This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

+ *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.

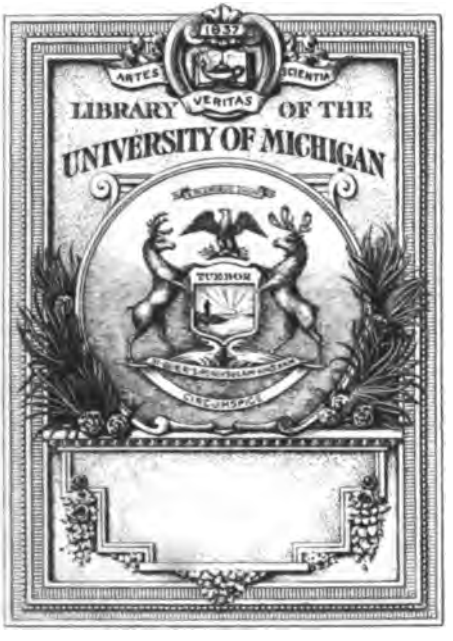
+ *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.

+ *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.

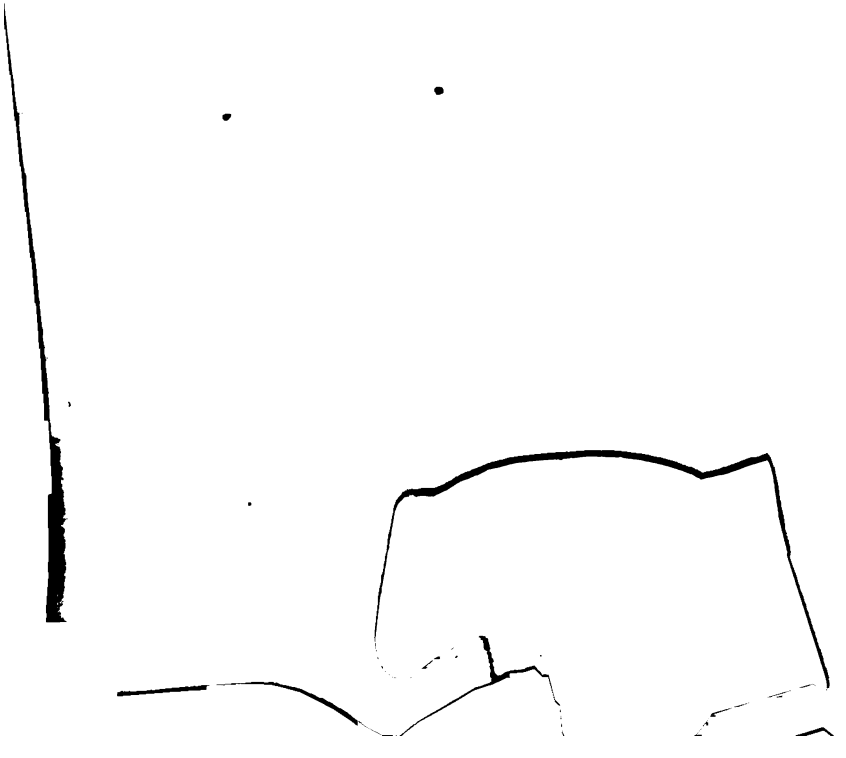
+ *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at `http://books.google.com/`


1837
ARTES
VERITAS
SCIENTIA
LIBRARY OF THE
UNIVERSITY OF MICHIGAN
TUEBOR

DA
522
.P6
T66
1821



MEMOIRS

OF THE

LIFE

OF

THE RIGHT HONORABLE

WILLIAM PITT.

BY GEORGE TOMLINE, D.D. F.R.S.

LORD BISHOP OF WINCHESTER,

PRELATE OF THE MOST NOBLE ORDER OF THE GARTER.

THE SECOND EDITION.

VOL. II.

LONDON:

JOHN MURRAY, ALBEMARLE-STREET.

M.DCCC.XXI.

Printed by Luke Hansard & Sons,
near Lincoln's-Inn Fields, London.

PRINTED IN [illegible]

03-22-27 A1.X.*

CONTENTS

OF THE

SECOND VOLUME.

CHAPTER THE SIXTH:

Continental Affairs—Meeting of Parliament—Westminster Scrutiny—Finance Measures—Parliamentary Reform—Commercial Intercourse between Great Britain and Ireland—Prorogation of Parliament - - - - - page 1.

CHAPTER THE SEVENTH:

Continental Affairs—Meeting of Parliament—The Duke of Richmond's Plan of Fortifications—Mr. Pitt's Plan for the Redemption of the National Debt—His other Finance Measures—Amendment of Mr. Pitt's India Bill—Commencement of Proceedings against Mr. Hastings—Prorogation of Parliament - - - - - - page 102.

CHAPTER THE EIGHTH:

Commercial Treaty with France—Convention with Spain—Meeting of Parliament—Consolidation of Duties—Budget—Post Horse Duty—Motion for the Repeal of the Corporation and Test Acts—Payment of the Prince of Wales's Debts—Continuation of Proceedings against Mr. Hastings—Prorogation of Parliament - - - - page 219.

CHAPTER THE NINTH:

Convention with France—Dissentions in the United Provinces —Meeting of Parliament—Hessian Subsidy—Increase of Military Establishment—East Indian Declaratory Bill— Budget—Claims of American Loyalists—Slave Trade— Commencement of Mr. Hastings's Trial—Charges against Sir Elijah Impey—Treaties—Prorogation of Parliament.

page 300.

CHAPTER THE TENTH:

The King's Illness—Proceedings in Parliament—His Majesty's Recovery—Thanksgiving Day—Observations.

page 361.

MEMOIRS

OF THE

LIFE

OF

THE RIGHT HONORABLE

WILLIAM PITT.

CHAPTER THE SIXTH:

1784.

Continental Affairs—Meeting of Parliament—Westminster Scrutiny—Finance Measures—Parliamentary Reform—Commercial Intercourse between Great Britain and Ireland—Prorogation of Parliament.

THE situation of affairs upon the continent was at this time such, that it would not be justifiable to pass them over entirely in silence; especially, as they were considered of sufficient interest to this country to be noticed in the speech from the throne, at the opening of the next session of parliament.

The emperor of Germany, taking advantage of the weak and disordered state to which Holland was reduced by the war with Great Britain, and by internal dissensions, demanded the cession of Maestricht and the contiguous territory, which were detached from the rest

CHAP. VI. 1784.

of the Dutch possessions; and urged, as sovereign of the Netherlands, a great variety of other claims in succession, the last and by far the most important of which was, the free navigation of the Scheldt: this would have been a fatal blow to the commerce and naval power of Holland, and might have endangered the independence and very existence of the republic. The emperor's immediate object was, to open the port of Antwerp, once the emporium of Europe, with the hope of restoring that city to some share, at least, of its former riches and splendor; and of acquiring to his dominions those benefits which arise from foreign trade. The states general defended what they conceived to be their unquestionable rights, in moderate and conciliatory language, but, at the same time, with a becoming degree of firmness; and, in particular, they stated, that the exclusive navigation of the Scheldt had been secured to them by the treaty of Munster, in 1648, and confirmed by several subsequent treaties; that, in fact, it rested upon the same authority as the possession of the Netherlands, by the house of Austria, whose right to any part of the Low Countries would never have been acknowledged, if the sovereignty of the Scheldt had not been ceded to the United Provinces. The

high and peremptory tone in which these claims were made and supported, and the little disposition manifested by the emperor, to pay any regard, either to existing treaties, to which his ancestors had been parties, or to long and uninterrupted enjoyment, excited great alarm throughout the territories of the states general. These were the natural effects of conscious superiority on the one side, and of utter incompetency on the other, to resist the demands of so powerful a claimant.

After numerous unavailing memorials and representations, the states general, still earnestly desirous of settling all points of difference, by an amicable adjustment, sent, in the month of April 1784, with the consent of the emperor, two plenipotentiaries to confer personally for that purpose, with his minister at the court of Brussells. But, on the very night of their arrival in that city, a detachment of Austrian soldiers, with four field pieces, seized the dismantled fort of Old Lillo, which was acknowledged to be situated within the Dutch limits; and about a week afterwards, when the negotiations were actually commenced, another detachment of Austrian soldiers seized a second place, belonging to the states general, called Hartog Eyk, near Heerle, where they pulled down the Dutch flag from the custom-

CHAP. VI. 1784.

house, and, with severe threats, commanded the collector, in the name of the emperor of Germany, to exact no more toll or duty, and to obey no orders of the Dutch government, under whose authority he had hitherto acted.

Notwithstanding these open invasions of territorial right, the negotiations continued through the summer, but with a temper on the part of the Austrian ministers, which precluded all hope of accommodation. In the autumn, the emperor, who had not been able to prevail upon the Dutch to surrender their right to the exclusive navigation of the Scheldt, determined to make trial, whether they would venture to enforce it against his ships; and with that view, he prepared two brigs, one of which was to attempt to sail from Antwerp to the sea, and the other from the sea to Antwerp. He commanded the captains to submit, in the course of their respective voyages, to no detention or examination from any of the ships belonging to the states general, and in no manner whatever to acknowledge their authority at any of the custom-houses or forts upon the river; and he formally announced, that he should consider any insult or interruption offered to either of these vessels, as an act of hostility, and a declaration of war on the part of the republic of Holland. The brigs sailed early in October,

and were stopped by armed cutters, in the service of the states general; and the captains of the brigs, in obedience to the emperor's orders, refusing to comply with what was required of them, the Dutch officers took possession of both. Information of these events was conveyed to the emperor, then in Hungary, who immediately ordered his ambassador to leave the Hague, and his minister at Brussells, to put an end to the negotiations. Both the emperor and the states general, wrote to the different courts in Europe, to explain and justify their respective proceedings; and they called upon those powers, with whom they were in alliance, to furnish the assistance stipulated by treaty. On the 7th of November, the garrisons of Lillo, Frederick Henry, and Cruikshanks, fearing a sudden attack from the Austrians, which they were not in a state to repel, cut their dykes, opened their sluices, and laid all the neighboring country, a considerable portion of which belonged to Austrians, under water; and in consequence of the alarm at first caused by this unexpected and mischievous measure, some shots were exchanged between the advanced posts of the Austrians and one of the Dutch garrisons. No farther act of hostility was committed; but preparations for war were made by both parties, with as

CHAP. VI. 1784.

much activity as the season of the year would permit; and there was reason to believe that other powers would be involved in the contest.

UNDER this expectation of approaching warfare in the immediate neighborhood of Great Britain, parliament met on the 25th of January 1785; and the king, in his speech from the throne, alluding to the circumstances which have been just related, informed the houses, that notwithstanding any appearance of differences upon the continent, he continued "uniformly to receive from all foreign powers, the strongest assurances of their good disposition towards this country:" he mentioned the success which had attended the measures taken in the last session, for the suppression of smuggling, and for the improvement of the revenue, as an encouragement to parliament to apply itself with renewed assiduity to those important objects; he recommended to its consideration the adjustment of such points in the commercial intercourse between Great Britain and Ireland, as were not yet finally arranged; and such farther regulations as might appear to be necessary in the different offices in the kingdom, conformably to the suggestions in the reports of the commissioners of public accounts. The addresses were carried

in both houses without any division. In the house of commons, Mr. Pitt was the only speaker on the side of government. He replied, in two speeches, to lord Surry, Mr. Burke, lord North, and Mr. Fox. Nothing material occurred in the debate, except an acknowledgment from Mr. Fox, that "the measures lately pursued for the prevention of smuggling, had been effectual:" and assurances from Mr. Pitt, that the commutation tax, which was censured by Mr. Fox, had been proved by the test of experience, to be a wise, efficacious, and beneficial measure; and that the board of control which Mr. Fox asserted, had increased peculation and corruption, had laid the foundation for checking those very evils, while in other respects it had already produced the most salutary effects.

The first business brought before the house of commons, was, the Westminster scrutiny. On the 1st of February, Mr. Welbore Ellis moved, that the high bailiff should attend on the 4th, "to give an account of what he had done" in the scrutiny; and on the following day, colonel Fitzpatrick presented a petition from certain electors of Westminster, in which they complained, that the city of Westminster continued unrepresented; and praying

CHAP. VI. 1785.

"that the house would immediately take such measures as would restore it to its undoubted right of having representatives in parliament." Mr. Fox being unable, on account of indisposition, to attend the house on the 4th, nothing was done till the 8th. On that day, the high bailiff, and Mr. Hargrave and Mr. Murphy, who had been successively his assessors, underwent a long examination; from which it appeared, that the scrutiny had continued for eight months; that in the parish of St. Anne, 25 votes had been struck from the poll of Mr. Fox, and 27 from that of sir Cecil Wray; that in the parish of St. Martin, 80 had been struck from the poll of Mr. Fox, and 60 from that of sir Cecil Wray; and that the inquiry into sir Cecil Wray's supposed bad votes in that parish, was unfinished; that the high bailiff was not yet enabled to make a return satisfactory to himself; that the proceedings of the scrutiny had been studiously delayed by the long examination of witnesses, and the long speeches of counsel; that it would probably last two years longer; that the high bailiff had long since proposed to enter upon the parishes of St. John and St. Margaret, in which the greatest number of bad votes was suspected, but that Mr. Fox objected; that the high bailiff had no power to administer an

oath, to compel the attendance of witnesses, or to punish them for prevarication or falsehood; and that from want of sufficient authority, he had been treated with contempt, while presiding in the court of scrutiny. These examinations, and the conversations to which they gave rise, occupied so much time, that it was necessary to adjourn the business to the following day, when Mr. Ellis submitted to the house the same motion, which he had made in the beginning of the former session, requiring the high bailiff to make an immediate return of two persons to serve in parliament for the city of Westminster.

Lord Mulgrave opposed this motion; maintaining, that there was no law which enjoined the high bailiff to make a return immediately upon the meeting of a new parliament; that it had always been an established maxim, founded on justice and equity, that upon the demand of a scrutiny by any party, the returning officer should satisfy his own conscience, and either grant or refuse a scrutiny, as he thought most conformable to the tenor of his oath; that in the present case, exercising the discretionary power vested in him by the constitution, he had granted a scrutiny, and that he ought not to be compelled by the house to stop it: he therefore moved, as an

CHAP. VI. 1785.

amendment, that the whole of the motion, except the first word, "that" should be omitted, and that the following words should be substituted, "the speaker do acquaint the high bailiff, first, that he is not precluded by the resolution of this house, communicated to him on the 8th of June last, from making a return, whenever he shall be satisfied in his own judgment that he can so do: and secondly, that this house is not satisfied, that the scrutiny has been proceededin as expeditiously as it might have been; that it is his duty to adopt and enforce such just and reasonable regulations, as shall appear to him most likely to prevent unnecessary delay in future; that he is not precluded from so doing by want of consent in either party; and that he may be assured of the support of this house, in the discharge of his duty." A long debate ensued, in which Mr. Pitt, in arguing against the original motion, contended, that the legality of the scrutiny had been solemnly decided by the house of commons in the last session; that the only point now to be considered, was, whether any circumstances had since arisen, which should induce the house to think it no longer expedient, that the scrutiny should be continued; that it was originally granted on the principle of such a number of

bad votes having polled, that it was doubtful, who had the legal superiority, and also for the satisfaction of the conscience of the high bailiff; that many bad votes had already been discovered; that only about a fourth part of the votes had yet been examined; that the little progress made in the scrutiny was to be ascribed to the spirit of procrastination in Mr. Fox and his friends, and their refusal to enter upon those parishes, where the greatest number of bad votes was suspected, and to the unfitness of Mr. Hargrave for the office of assessor; that it would be easy to establish rules, which would cause greater expedition in future, under the new assessor, Mr. Murphy; that the high bailiff was still equally unable to ascertain, which of the candidates had a majority of legal votes; and therefore, that he ought to be left at liberty to proceed with the scrutiny.

The house having greatly applauded this speech, Mr. Fox began his reply to it, by saying, that he would not dispute Mr. Pitt's splendid abilities; he never had done it; he never would do it: indeed it would be absurd in him to dispute, what he himself had always acknowledged; what the whole house admired. After a variety of extraneous matter relative to Mr. Pitt's India bill, and the conduct

CHAP. VI. 1785.

of the board of control, he argued at considerable length against the legality of the scrutiny, endeavoring to shew that it was the duty of the high bailiff, before the first meeting of the new parliament, to have returned the two candidates, who had the greatest number of votes; that to leave the large and populous city of Westminster unrepresented, was a gross and shameful breach of the constitution, which filled him and all its true friends with the most serious alarm and uneasiness; and that the representation of the commons ought to have been full and complete, before the house proceeded to the enactment of laws. Towards the end of his speech, he expressed his firm conviction, that the only object which the minister had in view, by supporting the continuance of the scrutiny, was, to harass and persecute an individual, whom he had honored by distinguishing him from a number of others, to make the victim of his resentment. He had always wished to stand well with the right honorable gentleman. He remembered the day, on which he had first congratulated the house upon the acquisition of his abilities: it had been his pride to fight, side by side with him, the battles of the constitution; little thinking that he would one day desert his principles, and lend himself to be the instrument of that

secret influence, which they had both combated so successfully. He was prepared to find a formidable rival in the right honorable gentleman; a rival, who would leave him far behind in the pursuit of glory; but he never expected, that this rival would become his persecutor. "I fancied, I saw," said Mr. Fox, "so much generosity of soul, so much elevation of mind, that so low and groveling a passion could not have found an asylum in his breast. If he thinks, that it is merely for a seat in parliament that I am contending, he knows me not; but I was willing to take the hard task of stemming the tide of misrepresentation, which had been studiously and artfully disseminated through the kingdom. I was desirous, that the citizens of Westminster, to whom my public measures were best known, who knew even my private foibles, as I was bred and had always lived among them, should pass judgment on my political conduct; and proud I am of the issue, which has taught the more distant parts of the kingdom, that they were misled." He concluded with declaring, that if, to his astonishment, the house should be so far infatuated by party, as to forget that night what was due to the rights of election, and the purity of representation, the question should not sleep. He assured them, it should

CHAP. VI. 1785.

be brought forward in one shape or another, again and again; and he had no doubt of seeing them come, ultimately if not immediately, to a determination favorable to the people.

As soon as Mr. Fox sat down, Mr. Dundas rose, and spoke to the following effect:

"The right honorable gentleman over the way must excuse me, if I forbear from entering into all the subjects which he has introduced into his speech. Situated as I am, it is necessary, however, that I should say thus much to him, in answer to his vehement declamations against the India board; that when the proper day comes, I shall not be afraid to measure swords with him on that subject; but until then, I shall take the liberty to consider, and I am sure this house will also consider, these daily declamations against that board as mere wanton, coarse obloquy, which the right honorable gentleman has got such a habit of introducing upon all possible subjects, that even the Westminster scrutiny, however remote from the subject of India, is not to be excepted.

"With respect, sir, to the character which he has drawn of the right honorable gentleman near me, the best answer I can give him, is, by reducing all his high-flown language

upon that subject into common sense and plain English, and I would then ask any man in the house, whether the sum and substance of all his declamations on this head, be more or less than this—that when he first discovered the right honorable gentleman's rising abilities in this house, he was earnestly desirous of connecting him with his party; he was anxious to take him under his protection and tuition: But as soon as ever he found the right honorable gentleman unwilling to submit to his trammels, and determined to think for himself, from that time he had resolved to set him down, for the most haughty, corrupt, unconstitutional, and dangerous man and minister that ever this country had produced. It is just thus, indeed, that the right honorable gentleman over the way, has at all times thought proper to monopolize all patriotism, all public principles, all love of liberty, to his own single self.—"I am the palladium of the liberties of the country, I am the champion of the constitution, I am the only man of the people, I am the single Atlas of this free state." —This, sir, is the language, and these are the precise arguments, which the right honorable gentleman applies now, and always has applied, to all debates, at all times, upon all subjects, against all ministers, in all the exigencies

CHAP. VI. 1785.

of his case. He accuses my right honorable friend of presumption; but I appeal to any man, whether the panegyric which the right honorable gentleman has this day made on himself, did not consist of praises so profuse and extravagant, and of flattery so gross, that I am sure there is not one of his friends, who would have had the indecency to load him, before his face, with half the praises, which, in this moment of boasted modesty, he has thought it so becoming to heap upon himself.

If, therefore, I should feel a little insensible, both to the praises which the right honorable gentleman heaps upon himself, and to the abuse which he pours upon us, (of which certainly I have the honor to receive no small share) I hope, sir, I have explained what it is that has rendered me thus callous. The time was, when his invectives fell, with some sensible force and efficacy, on the ministerial band, whom he was opposing; but when I see him pouring forth alternate praises and execrations on the same men, according as they are his political friends or foes, he must excuse my telling him, that all his violence, all his sarcasms, and all his insults, are not capable of irritating any one single passion in my breast; and I may hope even, that in the vicissitudes of political affairs, the time, perhaps, may come,

when I may be recompensed for all the grossness of these declamations, by the most unbounded panegyrics on my virtues, my talents, and my political character. In the mean time, my mind is at perfect ease, because I know, and all the world knows with me, that the right honorable gentleman considers the actions and characters of public men as things entirely subservient to his own political views, nay, and to his views at the mere moment when he is speaking.

"Having said thus much on the subject of the India bill, and on the respective characters of the two right honorable gentlemen, which I have been so necessarily led to do, I shall confine myself now to the true question before the house; and, in the first place, since the right honorable gentleman is for ever exclaiming, how the constitution is violated, I must beg and insist on a plain answer to this plain question—Whether, in the election of Vandeput and Trentham, the constitution was not just as much broken as now? that scrutiny, sir, lasted for fifteen months, and this has lasted eight months. Where were then the violated rights of the electors of Westminster? Where was then this ruin to the constitution? Was not Westminster just as much unrepresented as now? Were not taxes laid on the

CHAP. VI. 1785.

inhabitants of Westminster, without their consent, just as now? Was not every evil, every inconvenience, every outrage on the constitution, as flagrant in that case as in the present? And yet, sir, if we look into the debates in those times, we find not one syllable was ever uttered about the danger to the constitution, not one syllable of all that language, which is so familiar in the mouth of the right honorable gentleman on this and on every question. It is said always, that that was an election in the case of a vacancy by death, and this on a general election; but what difference does that make to the constitution? Sir, I do maintain, therefore, that the constitution is likely to go on as well after this scrutiny in the city of Westminster, as it did after that of Vandeput and Trentham; and when the right honorable gentleman tells us, that in his capacity of champion of the constitution, he cannot sit silent, he cannot rest, he cannot sleep, until the vote of the house is rescinded, and the outrage is repaired, I shall ask him, how he has slept since the year 1750; for it is ridiculous to contend, that the circumstance of its having been then a vacancy by death, and not by general election, can be any salvo to the rights of the Westminster electors, or any safeguard to the constitution.

"Why, sir, suppose this election had happened in either of those two cases, when Westminster became vacant by the right honorable gentleman's becoming a secretary of state, Westminster might then have suffered precisely the same disfranchisement, and the constitution have had the same wound which it has now received, and yet all would have been exactly according to law, and according to precedent; and in truth, sir, if we examine the respective histories of the times, we shall find a great resemblance in the two cases, and in the two elections. There were then the same exertions, the same contentions of the aristocracy, the same intrigues as now. Both the great men and the great women of the country were seen to use the same condescension in both cases; and I will add, that there were the same affected delays in both cases: in point of delay, however, there has been this difference; that in the year 1750, above 1,400 votes were scrutinized in five months; and in the present case, not 200 have been gone through, even in the enormous time of eight months. Will any man then deny, what one of the resolutions in the amendment takes notice of? that this house is not satisfied that there has been no unnecessary delay in the scrutiny? and, sir, I appeal to any man, whether

CHAP. VI. 1785.

it has not been proved at your bar, that it has been the wish, the design of Mr. Fox, to procrastinate the decision of the scrutiny.

" The high bailiff has told you, sir, that he all along understood St. Margaret's and St. John's to be the parishes where the chief suspicion lay; and I maintain, that he had a perfect right, without the consent of either of the parties, to have proceeded first to those parishes: but Mr. Fox, he tells you, insisted that this would be a partial arrangement, and it was agreed to ballot which parish should come first. It is known, that the parishes in question come next in turn; and I would appeal, therefore, to the common sense of the house, whether it is not reasonable, natural, and by all means expedient, that the high bailiff should be permitted to pursue his scrutiny, at least into those parishes, being informed at the same time, that as soon as ever he is capable of satisfying his judgment, he is at perfect liberty to make his return.

" The house has already gone the length of determining a scrutiny to be legal, even after the return of the writ, should the circumstance of the case demand it; and truly, sir, how much more dangerous would it be to the constitution, if it should become a settled point, that all scrutinies are unlawful, and that if a

sufficient number of men are found, who will take their oath at the hustings, every writ must be instantly made up, however notorious the invalidity of votes may be, and must be thrown upon the table of this house? The truth is, that the right of voting in Westminster, is not sufficiently ascertained, and a bill is wanted, therefore, for this purpose: but, sir, we must not decide against the law of the land; we must not contradict the analogies of law in these cases; we must permit scrutinies, when the necessity of them, in order to form a right judgment, is clear; and if any thing is wanted to expedite and facilitate such cases in future, a new law must be made for the purpose."

The house divided at six o'clock in the morning, and the original motion was negatived by a majority of 174 to 135. The amended motion was then carried without any division, and afterwards read to the high bailiff, by the speaker from the chair.

The comparatively small majority by which Mr. Ellis's motion was lost, proved that the means used to excite dissatisfaction and odium against the scrutiny, had not been ineffectual, and was a sufficient encouragement to Mr. Fox and his friends, to bring the subject again before the house, as Mr. Fox had threat-

CHAP. VI. 1785.

ened. Accordingly, on the 18th of February, colonel Fitzpatrick presented a petition from certain electors of Westminster, stating, that they had reason to believe, that the evidence given to the house, was defective and incomplete, and that farther evidence might be produced; and therefore praying, that they might be permitted to lay such evidence before the house, and to be heard by their counsel. Some doubts were expressed, whether this petition ought to be received. It was agreed on all sides, that if it were in substance the same as that which had been presented a little time since, and already decided upon, it could not be received consistently with the rules of the house; but it being urged, that the present petition professedly related to new facts recently discovered, it was admitted: after which an order was made, that the petitioners should be heard, by their counsel, on the following Monday; and that the high bailiff, and the counsel of the three candidates, should attend.

On that day, as soon as it was proposed, that the counsel of the petitioners should be called in, lord Frederick Campbell observed, that the proceedings would extend to an immeasurable length, if the counsel should be at liberty to range at large into the merits of the

election, and that it would be inconsistent with the dignity of the house to allow them to argue against the legality of the scrutiny, which was decided in the last session, and confirmed in the present, after due re-consideration; and therefore he moved, that these words should be added to the motion just made:—"And that the counsel be restrained from going into any matters, but such as tend to prove the evidence offered at the bar of the house, on Wednesday the 9th of this instant February, defective and incomplete; or such other matters as may have been discovered since the order of this house of the same date." After a long debate, lord Frederick Campbell's amendment, which was supported by Mr. Pitt, was carried by a majority of 203 to 145; and when the counsel, Mr. Erskine and Mr. Pigott, were called in, and heard the motion read, they informed the house, that, as they could not submit to the restraint thus imposed upon them, without departing from the positive instructions of their clients, the electors of Westminster, they must beg leave to withdraw themselves from the bar.

The high bailiff then underwent a short examination; the object of which was to prove, in contradiction to what he had said on former days, that Mr. Fox's counsel had, as early as

CHAP. VI. 1785.

last July, proposed immediately to examine the votes in the parishes of St. John and St. Margaret, and that the offer was rejected by sir Cecil Wray's counsel. This point was now mentioned to the house for the first time, and it was by no means established by any satisfactory evidence. Had, indeed, this proposal been actually made in a regular manner, it is scarcely credible, that so important a fact would have been omitted in the former debate, especially as Mr. Fox's party were accused of a marked reluctance to inquire into the votes of those parishes; and Mr. Fox himself had declared, in the house of commons, that he should have been "an idiot," if he had acceded to the very same proposal, when made to him by the high bailiff. After the examination was ended, colonel Fitzpatrick made a motion similar to that of Mr. Ellis, and it was rejected by a majority of only nine; the numbers being 145 and 136.

On the 3d of March, lord Muncaster presented a petition to the house of commons, from sir Cecil Wray's committee for conducting the scrutiny, stating, that they had carefully investigated the votes in the parishes of St. Margaret and St. John, and had discovered, that 400 persons had voted, as inhabitants of those parishes, not one of whom could be found

to exist; and praying, that the scrutiny might be allowed to proceed. It was ordered that the petition should lie upon the table; and Mr. Sawbridge immediately rose, for the purpose of making a motion to put an end to the scrutiny, in words nearly the same as the motions of Mr. Ellis and colonel Fitzpatrick, upon the ground, that it had now lasted nearly nine months, and sir Cecil Wray had gained only two votes. Mr. Pitt moved an immediate adjournment, which, after a short debate, was negatived by a majority of 38, the numbers being 162, and 124. Mr. Sawbridge's motion was then carried, without a division; and the following day, the high bailiff returned lord Hood and Mr. Fox.

On the 9th of March, Mr. Francis made a motion, for expunging from the journals, the resolution of the 8th of June of the preceding year, authorizing the scrutiny, which, after a long debate, was negatived, by a majority of 242, to 137.

It must be acknowledged, that the Westminster scrutiny proved to be a business of a most unpleasant and distressing nature to Mr. Pitt. He was induced to engage in it, from a persuasion, that, within a reasonable time, a decided majority of legal votes would be substantiated in favor of sir Cecil Wray.

CHAP. VI. 1785.

It was unfortunately begun in parishes to which the principal part of Mr. Fox's bad votes did not belong; and the contrivances used by him and his committee, to protract and impede the proceedings, and to confine them as long as possible to those parishes, seemed to indicate a consciousness, that his cause would not bear a general investigation. The slow progress, the immense trouble and expence, the circumstance of so large a city remaining so long unrepresented, the pretended danger of delaying the return beyond the meeting of parliament, the idea of persecution imputed to government, and the small advantage gained by sir Cecil Wray, all concurred to cause a change of sentiment in members of parliament, and, in some degree, made an unfavorable impression upon the public mind—too common a consequence, when an undertaking, however highly and justly approved at first, fails of the expected success. Mr. Pitt, now in the plenitude of power and popularity upon every other question, had upon this, the mortification of finding some of his most respectable friends, both private and political, either voting against him, absenting themselves from the house, or affording a reluctant support; and at last, after a long and painful struggle, and many acrimonious de-

bates, he was compelled to yield to a majority, not more than 123 persons voting with him for the continuance of the scrutiny, although, a few days afterwards, very nearly double that number voted against rescinding the resolution, by which it was originally authorized. While, therefore, they condemned the measure, as inexpedient, they maintained its legality; while they thought, that to proceed in it, would answer no good purpose, they pronounced it consistent with the principles of the constitution, and the practice of parliament. There seemed indeed, to be an increased anxiety in members, in consequence of what had passed, to testify their conviction, that the scrutiny was in itself legal and constitutional, as in June 1784, only 178 voted for the motion, directing the high bailiff to enter upon the scrutiny; and in March 1785, 242 voted, that the motion should remain upon the journals, as a recorded proof of the deliberate opinion of the house, that a returning officer is at liberty to grant a scrutiny, even after his writ is returnable, if he conscientiously believes, that he cannot otherwise make a just and proper return, conformably to the oath which he has taken.

THE business brought before the house of

CHAP. VI. 1785.

commons, in the present session, by Mr. Pitt, may be comprehended under three heads,—finance, parliamentary reform, and a commercial intercourse between Great Britain and Ireland—of these I proceed to give some account.

The first subject relative to finance, which Mr. Pitt submitted to the consideration of the house, was, the reports of the commissioners of public accounts. After paying high compliments to the ability and diligence of the commissioners, he said, that their reports, twelve in number, threw great light upon a variety of matters, hitherto involved in the most impenetrable obscurity; that in consequence of the suggestions contained in them, some important regulations in the payment of the land-tax, in the post-office, and in the army pay-office, had already been adopted; and that the information which they furnished, might be made the foundation of still farther advantage to the public. He then adverted to several points, connected with these reports, which required the authority of parliament. He first stated, that the manner in which the accounts were kept in the navy-office, was extremely complicated and perplexed; and that the treasurers of the navy had very large

sums in their hands, which they were suffered to retain, even after they were out of office, in some cases, for no less a period than forty years; and that, at the present moment, there were four distinct accounts of as many treasurers of the navy, open at the pay-office. As a remedy to these evils, he proposed, that the mode of keeping the accounts should be simplified, particularly with respect to the sub-accountants, according to a plan, which he had arranged, with the assistance of the present treasurer of the navy (Mr. Dundas); the principal provisions of which were, that the money, when issued at the exchequer, for the service of the navy, should be placed in the custody of the bank, from whence the treasurer should only take a sum sufficient to answer small contingent demands, all large bills being to be paid by draughts upon the bank, for naval services only; that the treasurer should close his accounts every year; and that, when he quitted office, he should transfer the balance in his hands to his successor. To effect these purposes, he proposed to introduce, "a bill for better regulating the office of the treasurer of his majesty's navy*."

* It was at first intended that the bill should extend to the ordnance-office, but it was afterwards thought better to confine it to the navy-office.

CHAP. VI. 1785.

He next reminded the house, that it was proved, by a book produced at the end of the session of 1783, in consequence of a motion made by him, that upwards of forty millions of money, which had been issued for the public services, were then unaccounted for; and he now mentioned, that the inquiry since instituted, respecting the accounts of persons to whom this immense sum had been advanced, would cause 257,000*l.* to be paid immediately into the exchequer, which might be applied to the service of the present year, and that farther sums would be recovered, when other accounts had been examined. It had also appeared, from the sixth report of the commissioners of public accounts, that in 1782, the accounts of four treasurers of the navy, and three paymasters of the army, besides those then in office, remained unsettled. To prevent the recurrence of the same delay, inconvenience, and loss to the public, he said, it was his earnest wish to make an entire change in the system of passing the different public accounts at the exchequer, which however proper it might have been when originally established, was infinitely too intricate and dilatory for the present enlarged expenditure of the country. He observed, that the office of the two auditors of imprest, was a mere sinecure, for which

each had, in some years of war, received 16,000*l.*; that the whole duty was performed by their deputies and clerks, who looked no farther than to the arithmetical correctness of the accounts, considering it sufficient, if the vouchers, such as they were, tallied with the charges; that they had no power to make an useful inquiry, as they could not examine the accountants upon oath; and that, in fact, the whole plan of auditing the accounts, was, from change of circumstances, and most inexplicable and culpable neglect, become absolutely nugatory, affording no check or control whatever upon the expenditure of the money, and open to collusion and fraud of every description. He therefore thought it right, that the office of auditors of imprest should be abolished, a suitable allowance being made to the present auditors, who held their patents for life; and that in their stead, a board of five commissioners should be substituted, with ample powers, who should strictly investigate and audit the public accounts of every department; and as a security for the effectual discharge of their extensive and important duty, they were to hold their offices quamdiu se bene gesserint. Upon these grounds, and with this view, he proposed to introduce, "a bill for the better

CHAP. VI. 1785.

examining and auditing the public accounts of this kingdom."

He lastly called to the recollection of the house, that in the year 1783, he introduced a bill for the regulation of the fees taken in the public offices, which passed the house of commons, but, through the influence of the then administration, was rejected by the house of lords: he said, that he was still convinced, that this was a subject deserving the interposition of the legislature, without which the existing abuses could not be corrected; and therefore he proposed to introduce "a bill for appointing commissioners to inquire into the fees, gratuities, perquisites, and emoluments, which are, or have been lately, received in the several public offices to be therein mentioned, and to examine into any abuses which may exist in the same, and to report such observations as shall occur to them, for the better conducting and managing the business transacted in the said offices."

Mr. Pitt moved for these three bills on the same day, as arising out of the reports of the commissioners before mentioned, and calculated to carry into effect economical reform and improvement in expediting public business, which the facts collected proved to be

highly important to the national interest. The three bills passed both houses, with scarcely any opposition: the only division which took place, was in the house of commons, upon the third reading of the bill for auditing the public accounts, which was carried by a majority of 74 to 15.

In this session, it was proved by evidence at the bar of the house of commons, that the tax, imposed last year upon plain cotton stuffs, had been attended with injurious consequences to the manufacturer; and therefore Mr. Pitt introduced a bill for its repeal, which passed without any opposition.

The first regular discussion, which took place relative to the general state of the finances of the country, was upon the 11th of April, when Mr. Pitt moved for an account of the nett produce of the taxes, in the quarters ending January 5th and April 5th, in the years 1784 and 1785. He took that opportunity of informing the house, that the bills, which were passed in the last session, for the prevention of smuggling, and the regulations which had been adopted in the collection and management of the different branches of the revenue, together with the extension of trade, conse-

CHAP. VI. 1785.

quent upon the return of peace, had already caused so great an increase in the produce of the taxes, as to justify a confident hope, that by the next year, the income of the country would not only be equal to the expenditure, but would afford a considerable surplus, which might be applied to the gradual liquidation of the national debt. Upon this and other occasions, when Mr. Pitt had incidentally expressed the same sentiments, Mr. Fox, Mr. Eden, and Mr. Sheridan accused him of being inaccurate in his statements, and too sanguine in his expectations; but, on the other hand, Mr. Pitt contended, that no error had been proved, either in his principles, or in his calculations; and he complained, that his opponents were inclined to take a gloomy and desponding view of the national finance. He said, that those, who for party purposes, wilfully misstate facts to the public, and exhibit false and melancholy pictures of the revenue, are the worst of traitors to their country: and to convince the house, that there was just ground for the opinions he had delivered on this and on preceding days, he himself moved for a great variety of accounts, and supported the motions of other members for papers, calculated to throw light upon any of the difficult and intricate points, which were contested. Mr. Fox,

however, and several other gentlemen who acted with him, notwithstanding their opinions and statements relative to the revenue, and their constant lamentations over the heavy burdens under which the people groaned, urged Mr. Pitt to lose no time in establishing a sinking fund, and imposing the necessary additional taxes; disclaiming at the same time all factious motives, or any desire to involve ministers in unpopular measures. To which Mr. Pitt replied, that it was his intention, that this fund should not commence till the next year; because as there was such a flattering prospect of increasing prosperity, he thought it better to defer it for a twelvemonth, as any ideas, now formed upon the subject, would probably be materially affected by the favorable turn, which, by that time, it was hoped affairs would take; conceiving, that the whole of the business might be more easily reduced to a system, after it should be seen, how far the revenue would, by means of its expected improvements, answer the purpose in view. 1785.

On the 9th of May, Mr. Pitt opened the budget, and observed, that the effects of the late calamitous war were felt in the expences of the current year, as it was necessary to fulfil contracts, which had been entered into previous to the signature of the preliminaries of

CHAP. VI. 1783.

peace, and as some of our ships had not yet returned from the distant parts of the world. The supplies which had been voted, amounted to 9,787,808 *l.*, and the ways and means fell short of that sum, about a million: this deficiency was to be provided for. The present low state of the funds*, and the probability of their rise before the next session, induced him not to borrow the money, and create additional stock in the ordinary way, but to obtain it from the bank upon exchequer bills, at five per cent, by which means not only the rate of interest would be rather less, but the bank would lend the money as it might be wanted, and only charge interest upon the different sums from the time they should be advanced. He stated, that the navy and ordnance debts, calculated to the 5th of the following July, amounted to rather more than ten millions; and as the large quantity of navy bills and ordnance debentures, now in circulation, was the principal cause of the depression of the funds, he considered it his indispensable duty, immediately to fund the whole of these bills and debentures. He preferred a five per cent fund for this purpose†, because it afforded

* The 3 per cent consols were about 58.

† The interest in a 5 per cent fund was about six shillings per cent more than it would have been in a 3 per cent fund;

a more easy and expeditious mode of redemption; and he mentioned, that in funding ten millions, upon the terms stipulated with the bill holders, stock would be created to the amount of 11,140,000 *l.* the interest of which, and expences of management, would be about 563,000 *l.* He reminded the house, that an interest of four per cent upon six millions, amounting to 240,000 *l.* had been provided in the last session *; and consequently, on this account, there remained only 323,000 *l.* to be now raised. To this sum were to be added 50,000 *l.* as interest upon the million to be borrowed of the bank, and 40,000 *l.* on account of the repeal of the tax upon cotton stuffs: the whole sum therefore to be raised, was 413,000 *l.* for which purpose he proposed an additional tax upon male servants, increasing in a higher proportion than the number kept, and upon post horses; and also taxes upon female servants, shops, pawnbrokers, and gloves; and a diminution in the allowance

that is, 30,000 *l.* a year upon 10 millions. Mr. Pitt estimated that three millions would be saved, when the debt should be paid off.

* In opening the budget last year, Mr. Pitt considered himself as proposing taxes which would produce 280,000 *l.* a year, being the interest of 4 per cent upon seven millions of navy bills and ordnance debentures.

CHAP. VI. 1785.

made on salt carried coastwise, which would increase the produce of the tax upon that article.

Mr. Fox, who, in the previous debates upon finance, had promised to support and assist Mr. Pitt in imposing any new taxes, which might be deemed necessary, and had declared a readiness to take his share of any odium they might occasion, when he found that the tax upon shops, and that upon female servants, were disapproved both in the house and in the country, strenuously joined in the opposition to them; and endeavored by all those arts, of which he was so fully master, to add to their unpopularity. The bills, however, enacting these taxes, passed both houses of parliament, after several divisions, in which the majorities were by no means great; but the modifications introduced by Mr. Pitt, in order to obviate some of the principal objections to them, were likely to render the duties less productive than had been originally expected. To make up for this deficiency, he proposed taxes upon attornies, and upon warrants of arrest. The tax also upon game certificates was increased; and coachmakers were required to take out an annual licence, and to pay a small tax upon every carriage they made. Mr. Pitt estimated the annual produce of all these various taxes,

at rather more than 413,000*l.* the sum wanted; and he observed, that the collection of them would be attended with very little expence, and that there would be no necessity for the appointment of a single new officer.

Mr. Pitt did not forget his engagement, to bring before the house, in the present session, the business of parliamentary reform. This was indeed a favorite object with him, to which he devoted much time and thought; and he sought every opportunity of explaining in private, his sentiments and views respecting it, to those members who had hitherto opposed every motion upon this subject. It is natural to suppose, that his present official situation would give great weight to his arguments; and that the persons who were in general supporters of his administration, would feel a desire to concur with him upon a question, in which his opinion was so decided, and his wishes so strong. He prevailed with some; but the objections of others he was unable to overcome.

He thought it his duty, also, to communicate his plan to the king, whose private sentiments he knew to be unfriendly to any change in the construction of the house of commons; and

CHAP. VI. 1765.

he received the following answer from his majesty, dated March 20:

"I have received Mr. Pitt's paper, containing the heads of his plan, for a parliamentary reform, which I look on as a mark of attention. I should have delayed acknowledging the receipt of it till I saw him on Monday, had not his letter expressed, that there is but one issue of the business he could look upon as fatal, that is, the possibility of the measure being rejected by the weight of those who are supposed to be connected with government. Mr. Pitt must recollect, that though I have ever thought it unfortunate, that he had early engaged himself in this measure, yet that I have ever said, that as he was clear of the propriety of the measure, he ought to lay his thoughts before the house; that out of personal regard to him, I would avoid giving any opinion to any one, on the opening of the door to parliamentary reform, except to him; therefore, I am certain, Mr. Pitt cannot suspect my having influenced any one on the occasion. If others choose, for base ends, to impute such a conduct to me, I must bear it as former false suggestions. Indeed, on a question of such magnitude, I should think very ill of any man,

who took a part on either side, without the maturest consideration, and who would suffer his civility to any one, to make him vote contrary to his own opinion. The conduct of some of Mr. Pitt's most intimate friends on the Westminster scrutiny, shews, there are questions, men will not, by friendship, be biassed to adopt."

In 1782, Mr. Pitt had moved for the appointment of a committee, to consider the state of the representation in the house of commons; and in the following year, he brought forward several resolutions, as the basis of the plan which he then wished to be adopted. Having failed in both those instances, he determined, upon the present occasion, to submit to the house, a precise and explicit proposition, and at once to apply for leave to bring in a bill, which should contain the result of his full consideration upon this important subject, and be in itself complete and final. By this mode of proceeding, he hoped to quiet the alarm of those, who were fearful of touching the constitution, in any one point, lest the alteration should, under the mask of reform, be progressively carried to a dangerous length. He again reprobated the wild and impracticable notion, of universal

CHAP. VI. 1785.

suffrage, and said, that, in his judgment, the just description of the popular branch of our legislature, at this day, ought to be "an assembly freely elected, between whom and the mass of the people, there was the closest union and most perfect sympathy." Such an house of commons, it was the purpose of the framers of our constitution to erect; and he had no other wish, than to restore the house of commons to that its original state and character, instead of the corrupt and inadequate system into which it had unfortunately degenerated. Those who went farther—those who were advocates for individual representation, deluded themselves with impossibilities; and diverted the public from that plain and practicable path, in which they might travel with safety and ease, to launch them into an unbounded sea, where they had no pilot to direct, no star to guide them. He expressed an earnest desire to convince the house, that what he was about to suggest, was not an innovation, but perfectly conformable to the practice of our ancestors in the purest days. To prove that it was an indisputable doctrine of antiquity, that the state of representation was to be changed with the change of circumstances, he stated, that from the reign of Edward the first, the earliest period in which

distinct descriptions of men could be traced in the representation, to that of Charles the second, there were few reigns in which the representation was not varied. The successive kings exercised a power of summoning, or not summoning, as they pleased; acting always upon this principle, that the places should have such a population, as entitled them to send, or rather subjected them to the duty of sending, members to parliament. As one borough decayed, and another arose, the one was abolished, and the other invested with the right of choosing members, not however in such a manner, that the house of commons always consisted of the same exact number; for upon that point, there was no antient law or custom,—nothing, in fact, even in these times, preventing the executive branch of the legislature from adding to, or diminishing, the present number, but the act of union. So great, indeed, had been the variation, that in the seventeenth century, the crown had ceased to call upon seventy-two boroughs to send burgesses to the house of commons; thirty-six of which, after the restoration, petitioned to be reinstated in the enjoyment of their ancient franchises. Their petition was granted; but the other thirty-six remained disfranchised. It was therefore evident, that change was perfectly

CHAP. VI. 1785.

congenial to the original principle of representation, and consistent with the practice of former times. The excellence of the British constitution was the fruit of gradual improvement;—and had a resistance to all reform, from apprehension of the bad consequences which might possibly ensue, prevailed in former times, Englishmen would never have enjoyed their present boasted privileges and blessings. Upon these authorities, and upon these grounds, he felt himself warranted in proposing, that thirty-six decayed boroughs, each electing two members, should no longer send burgesses to parliament; and that in their room, the different counties and the metropolis should elect seventy-two additional members, which would constitute a just proportion between county and borough representatives, without increasing the number of the house of commons; and he farther proposed, that copyholders should vote for counties as well as freeholders; the difference of tenure not justifying, in these days, the distinction in respect of voting, which at present subsisted. In the lapse of time, and fluctuation of human affairs, other boroughs might become decayed, the members for which were to be transferred to populous and flourishing towns, previously sending no members to par-

liament; and to prevent any doubt, a definite number of houses was to be the criterion of a decayed borough. Disavowing, however, all idea of compulsion, he proposed that no old borough should be disfranchised, and no new place authorized to elect members, except upon its own spontaneous application. Boroughs being, in many instances, a species of valuable inheritance, and of private property, a voluntary surrender of their rights was not to be expected, without an adequate consideration; and therefore he proposed the establishment of a fund for the purpose of purchasing these franchises, which being of different descriptions, the consideration-money would of course vary.

CHAP. VI. 1785.

Such, he said, was the general outline of his plan, the operation of which would be gradual. The provisions of the act would be called into action from time to time, as cases arose. A clear and permanent rule for perpetual improvement in the representation, would be established, equally applicable to the present and all future periods, but giving no sanction or countenance to vague and chimerical schemes of reformation. He conceived it, indeed, to be free from all serious objection, and at the same time, calculated to create that union and sympathy between the constituent

CHAP. VI. 1785.

and representative, which was the surest foundation of liberty to individuals, and of strength and glory to the nation, and the best means, as far as human foresight could extend, for rendering the British constitution immortal. Leaving the detail of the execution to be hereafter discussed, he concluded with moving, "That leave be given to bring in a bill to amend the representation of the people of England in parliament."

Mr. Pitt had the mortification of finding himself defeated a third time, his motion, after a long debate, being negatived by 248 to 174. This was his last attempt to obtain a reform in parliament. Having upon this occasion made every effort, and exerted all the influence in his power, both publicly and privately, and failed by so considerable a majority, he was convinced that any farther trial in the present house of commons, must be ineffectual, and therefore he desisted; and we shall see, that soon after the next general election, he thought it his duty, on account of a most material change in the situation of the country, to oppose a motion upon the subject, brought forward by another person.

It now remains that I give an account of the plan, which Mr. Pitt submitted to the

house of commons in this session, relative to a commercial intercourse between Great Britain and Ireland; but it will be necessary previously to take a short retrospect of the affairs of Ireland, that a judgment may be formed of the difficulties, which he had to encounter in that part of the empire.

Though Ireland had, from a very early period, laws of its own, and a parliament similarly constituted to that of England, the English parliament, for several centuries prior to the present reign, exercised the right of making laws binding upon Ireland. Besides this mark of dependance, the English privy council exercised the right of altering or suppressing any acts, which had passed the Irish parliament; and the courts of law in England exercised an appellant jurisdiction over the courts in Ireland. Before the restoration, Ireland enjoyed every commercial benefit and privilege in common with England; and the navigation act, which passed immediately after that great event, and regulated the conveyance of the articles of trade by sea, placed the two kingdoms, in that respect, upon precisely the same footing. But from a subsequent part of the reign of Charles the second, to that of his present majesty, the English parliament, with a view of promoting

CHAP. VI. 1785.

the trade and manufactures of its own country, from time to time imposed a great variety of restrictions upon the commerce of Ireland, without consulting the parliament of that kingdom. These restrictions operated in a manner highly injurious to the industry and exertions of the Irish, who felt their oppressive effect the more acutely, from observing their English neighbors and fellow subjects rising into wealth and importance, by means of that very trade, of which they considered themselves unjustly deprived. The unequal terms of connexion, which England, as the seat of empire, and possessing superior power, thus authoritatively prescribed to Ireland, had, since more enlightened maxims of policy began to prevail, been the source of no small degree of jealousy and dissatisfaction among all ranks of the Irish people; and especially among those who were engaged in trade and manufactures: But they acquiesced in silent forbearance, till the American war, while it increased their burdens, reduced their commerce to still narrower limits. As their distress became greater, their complaints grew louder; and at length resolutions were entered into by the inhabitants of the trading towns, to prevent the importation and consumption of British manufactures: and those, who ven-

tured to refuse compliance with these unauthorized mandates, were treated with every species of violence and outrage. But even under these circumstances of suffering and discontent, their zeal in defence of their country against the common enemy, broke forth in a manner, remarkable in itself, and which led to very important consequences.

The disasters in America having made it necessary for our government to withdraw a large proportion of the regiments from Ireland, that kingdom, at the commencement of the war between Great Britain and France, contained but a very small military force. In the summer of 1778, the French were known to be collecting a considerable army upon their coast, and it was generally believed, that they intended to make a descent upon Ireland, in its present weak and unprotected state. Under this apprehension, the Irish gentry, yeomen, traders, and other persons, resident in the most exposed districts of the country, began to form themselves into volunteer companies; which patriotic spirit spread so rapidly, and was so well directed, that, in a short time, the volunteers exceeded 40,000 in number, the greater part of whom were as well disciplined as regular troops. This immense force, raised, trained, and commanded by officers, elected

CHAP. VI. 1785.

by their respective corps, without any pay or authority from the king, but with the avowed assistance and active co-operation of several persons of high rank and large property, was a most extraordinary, if not an unexampled, establishment; and it was not to be expected, that so numerous a body of men, not acting under any legal control, or even holding any communication with the executive power, with arms in their hands, and many national grounds of complaint, would confine themselves to the original object of their association. Their military character necessarily caused them to assemble frequently; and in deliberating about the means of averting evils threatened by a foreign enemy, they not unnaturally digressed to the internal grievances, under which they were actually laboring from the British government. The degrading and pernicious restrictions upon their trade and manufactures, which were more severely and more extensively felt than any other of their hardships, first occupied their attention; and conscious, as they must have been, of their own strength, and well knowing the want of vigor and capacity in administration, it is by no means surprizing, that in dwelling upon the long-endured oppression, and in referring to the primary cause of the present distress, of their country, they

made use of aggravating and inflammatory language. These speeches, circulated into every part of the kingdom, could not fail to produce a considerable ferment in the minds of men, already prepared to receive any unfavorable impression; especially as two recent attempts* in the British house of commons, to obtain relief for the trade of Ireland, had, in consequence of the most determined opposition, both from the manufacturers and ministers, almost entirely failed.

It was, however, very generally acknowledged in England, that a removal of some of the prohibitions, to which the trade of Ireland was subject, was, under present circumstances, indispensable; but no step being taken by administration, and no notice being given of their intention to propose any measure upon the subject, the house of lords, on the 11th of May 1779, in consequence of a motion from lord Rockingham, unanimously voted an address to the king, in which they submitted to his majesty's consideration, the distressed and impoverished state of his subjects in Ireland, and besought him to order, that there should be "prepared and laid before parliament, such particulars relative to the trade and manufactures of Great Britain and Ireland, as would

* In 1777 and 1778.

CHAP. VI. 1783.

enable the national wisdom to pursue effectual measures for promoting the common strength, wealth, and commerce of his majesty's subjects in both kingdoms." On the 26th of the same month, the house of commons, with the same unanimity, voted a similar address, upon the motion of lord Beauchamp, who was at that time a lord of the treasury. To these addresses, his majesty replied, that he would give directions accordingly; but ministers remaining still inactive, it was moved by lord Shelburne, in the house of lords, on the 2d of June, that another address should be presented to his majesty, requesting that he would be pleased to allow the British parliament to continue to sit; and also, that he would forthwith issue his proclamation for calling together the parliament of Ireland, that the just complaints of his subjects in that kingdom, might be fully considered, and remedied without delay. This motion, being resisted by administration, was negatived; and the prorogation of parliament taking place soon after, nothing was done, during the recess, for the relief and defence of Ireland, except by sending a small quantity of arms for the use of the volunteers, which was an acknowledgment of their legality and usefulness, and, of course, increased the power of that already important body of men, who were

now in a condition either to repel the attacks of a foreign enemy, or to awe the government of their own country. Their numbers and discipline seem to have caused France to abandon all idea of invasion, if it were in reality ever entertained; and their attention being therefore wholly directed to domestic concerns, their influence soon became apparent in the proceedings of the parliaments of both kingdoms.

The parliament of Ireland met on the 12th of October 1779, and both houses voted addresses to the king, in which they explicitly declared, that nothing but the grant of a free trade could save Ireland from ruin; and thanks were voted to the volunteers, unanimously in the house of commons, and with only one dissentient voice in the house of lords. But these addresses and votes of thanks did not quiet the minds of the people, or inspire them with confidence in the sincerity and perseverance of parliament. A numerous and daring mob soon after assembled before the house of commons in Dublin, and required the members, as they entered, to swear, that they would vote for a free trade; and, as the means of compelling England to grant it, that they would also vote for a short money bill. The members were intimidated; and two money bills were passed,

CHAP. VI. 1785.

contrary to all former custom, for only six months. Nor was this the only alteration which now took place: The mutiny bill, passed annually by the British parliament, had hitherto been considered as binding upon the army in Ireland; but that point being called in question by some of the modern innovators, the Irish parliament, at their suggestion, now, for the first time, passed a mutiny bill for the army in Ireland.

The British parliament met on the 25th of November, and the king, in his speech from the throne, informed the two houses, that "in consequence of their addresses, presented to him in the last session, relative to the trade and manufactures of Ireland, he had ordered such papers to be collected and laid before them, as might assist their deliberations in this important business; and he recommended to them, to consider what farther benefits and advantages might be extended to that kingdom, by such regulations, and such methods, as might most effectually promote the common strength, wealth, and interests of all his dominions."

At length, on the 13th of December 1779, lord North submitted to the house of commons, three propositions for the relief of the trade of Ireland. The first was, the repeal of

those laws, which prohibited the exportation of Irish woollen manufactures from Ireland*; the second was, the repeal of that part of the Act of 19 Geo. 2, which prohibited the exportation of glass from Ireland†; and the third was, a permission to Ireland to trade to and from the British colonies in America, the West Indies‡, and the British settlements on the coast of Africa, under the same duties and regulations as those to which the English merchants were subject. Separate bills were introduced for these purposes, which passed without any difficulty. It was only observed, in a debate upon the last of them, by one of the members for the trading and manufacturing county of Lancaster, who, at the request of his constituents, had been active in opposing similar propositions in the two preceding sessions, "that formerly, when questions of com-

* The 10th and 11th of William and Mary, by imposing a heavy export duty upon woollens, amounting in fact to a prohibition, had put an end to that manufacture in Ireland: this produced a contraband exportation of wool to France, where it was manufactured.

† Previously to this act of Geo. 2, the Irish might export glass of their own manufacture, and import glass from every country, as well as from England.

‡ The Irish had not been permitted to import any articles directly from the West Indies. All the West Indian produce consumed in Ireland, passed through England.

CHAP. VI. 1785.

merce respecting Ireland had been in agitation, the several manufacturing towns of England had applied to parliament, and urged their situation, as an objection to the matters then under discussion; pleading, that in reliance on the good faith of parliament, they had put themselves into that situation, and that therefore it would be unjust to grant to Ireland, what must essentially affect their interest. The case now, he said, was much altered: it was no longer a question of commerce, but a question of great national importance; for which reason, the several places in England, likely to be affected by the present measures in favor of Ireland, had thought it decent and dutiful to remain silent, and to trust altogether to the wisdom and justice of parliament." This acquiescence of the English manufacturers was a decisive proof of the general impression which prevailed, relative to the distressed and critical state of Ireland.

The Irish parliament received these propositions of lord North, with strong expressions of gratitude; and passed bills with a view to give them full effect, as well as several other bills for the farther encouragement of their trade and manufactures.

In a subsequent part of this session, a bill passed the British parliament, for repealing

the acts which prohibited the exportation of coin from England to Ireland, and the importation of foreign hops into Ireland, and which took off the drawback upon hops exported from Great Britain to Ireland; and this bill gave also to his majesty's subjects resident in Ireland, the privilege of being admitted into the Turkey company. Though these concessions were acknowledged as great benefits by the parliament of Ireland, they were not followed by any material improvement in the trade of that country. They were not perhaps calculated to be of immediate and general benefit; and the exertions of the Irish themselves were wanting to give them even that partially good effect, which they might, with care, and in time, have produced. "It should seem," says a contemporary writer, "as if the manufacturers of Ireland had conceived an opinion, that the restitution of commercial freedom would operate like a charm, and diffuse, in an instant, that general prosperity over the nation, which could only be the effect of a long course of frugal, attentive, and persevering industry. The fallacy of these sanguine expectations was soon apparent; and the evil, if not partly caused, was greatly aggravated by the idleness of the lowest class of the people, and that neglect of the proper

CHAP. VI. 1785.

occupations of the better sort, which was the consequence of the general disposition to political speculations*." The distress of the manufacturing and laboring part of the community continued, and, gradually increasing, became so great in 1783, as to occasion considerable disturbances in Dublin; and a very liberal subscription was raised for those who could obtain no employment. But this being merely a temporary remedy, the Irish house of commons, on the 21st of October in that year, upon the motion of Mr. Gardiner, appointed a committee to take into consideration the state of the manufactures of the kingdom. The deliberations of this committee lasted several months; and the result will be noticed hereafter.

Soon after the volunteers had succeeded in removing some of the legal obstacles and impediments, by which Irish commerce had long been fettered, they began to aim at a redress of what they considered as political grievances. They declared, at their public assemblies, that the authority exercised by Great Britain over Ireland, was a gross usurpation—that the British parliament had no right to bind Ireland, in any case whatever—and that the appeals

* Dodsley's Annual Register for 1786, supposed to have been written by Mr. Burke.

from the Irish courts of law to those in England, was an humiliating confession of superiority, which ought no longer to be endured. Meetings, at the instigation of the volunteers, were held in counties and corporate towns, at which resolutions to the same effect were passed; and every endeavor was used to excite jealousy and discontent among the people, who were taught to believe, that Ireland would never be happy and prosperous, till it was emancipated from its dependance upon England. These claims, asserted by 40,000 armed men, and supported by the general voice of the country, it was not thought prudent to resist; and accordingly in the years 1782 and 1783, acts were passed, as we have seen, by the British parliament, in which they renounced all legislative authority over Ireland; and all appeals from the courts of law in Ireland to those in England, were prohibited in future. It may be remarked, that these acts, which made so great a change in the relative situation of England and Ireland, were supported by contending parties, who agreed upon scarcely any other important political point, by lord Rockingham, lord Shelburne, the duke of Portland, lord North, Mr. Pitt, and Mr. Fox. The events which had lately taken place, and the general disposition of the people in Ireland, were

CHAP. VI. 1785.

indeed such, as to force conviction upon the mind of every one, that it was impossible for England any longer to maintain that species of sovereignty, which she had hitherto exercised over her sister kingdom; and all the enlightened statesmen of the age, not only admitted the necessity of these measures, but also concurred in opinion, that the two countries might be placed upon an equal footing, with respect to legislation and the administration of justice, without any injury or danger to the general interests of the empire. It was, on the part of England, the renunciation of a proud superiority, and not the loss of a national benefit; it was the relinquishment of an unimportant distinction, and not the surrender of a valuable privilege. Acts were passed by the Irish parliament, to give full effect to those which had been passed in England; and also other acts, to limit the mutiny bill (which was perpetual) to two years, and to render the judges independent of the crown.

But even this establishment of complete political independence, did not restore contentment or tranquillity to Ireland; nor did the conclusion of peace induce the volunteers to disband. They continued their meetings; and the success which had hitherto attended their exertions, emboldened them to urge new

claims, in the most exceptionable way, and to be more factious and violent in their speeches and resolutions. Their efforts were now principally directed to obtain a reform of parliament. The first public and direct mention of this subject seems to have been on the first of July 1783, at a meeting of the delegates of 45 volunteer corps at Lisburne, at which it was agreed to invite the concurrence of other corps; and a committee was appointed to correspond with the most distinguished persons in England, who were known to be friendly to parliamentary reform. Among others, a letter was addressed to Mr. Pitt, to which he returned no answer. On the 8th of September, a meeting of delegates from the volunteer corps of the whole province of Ulster, was held at Dungannon; and after a long consultation, it was proposed, that delegates from all the volunteer corps of all the four provinces, should assemble at Dublin, on the 10th of November, for the purpose of considering the best means of promoting a reform in the parliamentary representation. This proposal was generally approved by the volunteers of the other provinces; and in consequence, what might justly be denominated a national convention of military delegates, a deliberative assembly of armed political reformers, took place in the metro-

CHAP. VI. 1785.

polis, under the eye of the executive government. After the election of a president, the appointment of a committee, to prepare a plan of reform, and a variety of discussions, several resolutions were passed, on the 28th of November, in which it was declared, that the right of voting for members of parliament, ought to be extended in a certain specified manner, and that the duration of parliaments ought to be limited to three instead of seven years. Mr. Flood was selected as the fittest person to bring this business before the Irish house of commons; and on the following day, without any previous explanation, he moved, to bring in "a bill for the more equal representation of the people in parliament." This motion was received with evident marks of disapprobation; and Mr. Yelverton, the attorney general, who had himself originally belonged to a corps of volunteers, but was now, with many other respectable persons, convinced, that their proceedings were tending to the subversion of all order and government, and that it was become absolutely necessary to resist them, immediately rose, and said, "That the question did not deserve to be discussed, but that it ought to be regarded as an insult to the house. If the bill originated, as it was notorious it did, with a body of armed men, they should deci-

dedly set their faces against receiving it. They did not sit there to receive propositions at the point of the bayonet. He entertained an extreme reverence for the volunteers, who had conferred the most essential services upon their country. But when they formed themselves into a political body, to discuss the modes of reforming parliament, and to regulate the affairs of the nation; when by the rude employment of arms, they would probe the wounds of the constitution, he would set himself against them at once. The question now was, whether the national convention, or the parliament of Ireland, were to legislate for that country. What was it they had so lately seen? Armed men drawn up in files in the streets, in order to open a path for other armed men, repairing, in fastidious parade, to a general assembly, and displaying all the ostentation of a real parliament. Would they submit to this? Was it decent for parliament to enter into a sort of compromise with this congress? Were the members of that house free in their deliberations, while this military congress was sitting? No; it was necessary they should say to the volunteers, You have obtained constitution and commerce; and now, instead of dictating to the legislature of the kingdom, go to your own homes, change

CHAP. VI. 1785.

your attire, and turn your swords into instruments of agriculture." These spirited and patriotic sentiments were warmly applauded; and, after a long debate, the motion was negatived by 157 to 77. The house, to mark more strongly their disapprobation of the manner in which this attempt was made, and to assert their own dignity and authority, immediately passed a resolution, moved by Mr. Yelverton, and carried by a great majority, "That it was now necessary to declare, that this house will support the rights and privileges of parliament against all encroachments." Nor did they stop here: Mr. Conolly, who had also formerly been a member of a corps of volunteers, moved, "That an address should be presented to his majesty, to express the happiness they enjoyed under the established government; and to assure him of their determination to support the present constitution, with their lives and fortunes." To give this address the greater weight, the concurrence of the house of lords was requested, which was granted on the first of December.

This brief narrative shews the distressed and unquiet situation of Ireland, when Mr. Pitt entered into office; and events which soon afterwards took place, rendered that situation still more formidable and alarming.

The unequivocal condemnation by the house of commons, at the end of November 1783, of the principles upon which the volunteers were then acting, did not induce them to desist. The convention, indeed, adjourned soon after; but the delegates, before they separated, engaged to exert themselves individually in their respective neighborhoods, to procure petitions to the house of commons, in favor of a parliamentary reform. About thirty were presented, and afforded Mr. Flood a pretence for renewing his motion on the 13th of the following March. The bill was allowed to be brought in; but it was rejected upon the second reading, by a majority of 159 to 85.

On the 31st of March, Mr. Gardiner, in consequence of the report from the committee appointed upon his motion, in the preceding October, stated, that the importation of foreign (meaning English) articles, by preventing the consumption of their own manufactures, was the cause of the distress of the Irish manufacturers.—As a radical cure to this evil, he proposed, that all such foreign articles should be subjected to a heavy duty upon importation; and as the first step in his system, he moved, that a duty of *2s. 6d.* per yard should be imposed upon all drapery imported into that kingdom.—It was contended, on the other

CHAP. VI. 1785.

hand, that it would be very unwise to act upon this principle of protecting duties, as they were called; since, in that case, it must be expected, that the British legislature would retaliate, by laying a tax upon Irish linens, which were at present annually imported into England, to the value of 1,500,000*l.* This immense trade would, therefore, be endangered for the sake of promoting the woollen manufactures, the value of which did not exceed 50,000*l.* a year.—Mr. Gardiner's motion was on this ground rejected by 116 to 86, which so incensed the populace, who had for some time been clamorous for these protecting duties, that five days afterwards, a large body of riotous persons forced their way into the gallery and body of the house of commons, while it was sitting, and insulted the members in the grossest manner, reproaching them with having sold themselves to Great Britain, and calling upon them to distribute among the distressed manufacturers, a part of the hire of their iniquity. The guards were sent for, and two of the ringleaders were committed to prison. The house afterwards passed a censure upon Mr. Thomas Green, the lord mayor, for not having taken any step to prevent the tumults, though he had received sufficient notice for that purpose; and for not acting

with the caution and prudence, that became a chief magistrate. Meetings of the inhabitants of Dublin were held, at which the most factious and mischievous resolutions were passed; and government received intelligence of a conspiracy to murder no less than seven members of the house of commons. The press was resorted to by the discontented and disaffected, as the means of inflaming the minds of the common people; and the "Volunteer's Journal," in particular, teemed with exhortations and incitements to assassination. In consequence of this daring licentiousness in the newspapers, a bill was introduced by Mr. Foster, in April 1784, "for securing the liberty of the press, by preventing the publication of libels." By this bill, which passed without any difficulty, the real printer and proprietor of every newspaper was compelled to make an affidavit of his name and place of residence, to be lodged in the stamp-office,—which enabled government to know, and bring to justice, the publisher of every seditious and libellous paragraph; and the vendors of unstamped papers were compelled to declare from whom they received them. Such was the disturbed state of Dublin, arising from the distress of the manufacturers, the proceedings of the reformers, and the plots of assassins,

CHAP. VI. 1785.

that though the garrison consisted of three thousand infantry, and a regiment of horse, it was deemed necessary to detain three regiments, which had been ordered to the East Indies, and to send for additional troops from England.

The duke of Rutland was appointed lord lieutenant, in February; and, from the moment of his arrival in Ireland, at the end of that month, no important step was taken without Mr. Pitt's advice and direction. Though Mr. Pitt had the satisfaction of learning, that the firm and vigorous conduct of the Irish ministers, adopted by his suggestion and encouragement, and the precautions which he had recommended, had, for the present, in some degree, checked the spirit of innovation and turbulence, which threatened the most immediate and most ruinous consequences; yet he was aware, that nothing but a fundamental change in the commercial relation between the two kingdoms, could afford effectual relief, and render Ireland permanently tranquil and prosperous. Strong, however, as this impression was upon his mind, and critical as he believed the situation of that country to be, it was absolutely impossible for him, while the British parliament was sitting, to find leisure for the arrangement of so complicated and

difficult a business. But soon after the prorogation took place, two gentlemen in high stations in Ireland*, who were well acquainted with its trade and manufactures, came over to England; and a considerable part of Mr. Pitt's time, in the summer and autumn, was occupied in deliberating with them, and with the most intelligent persons of the same description in this country, upon a new plan of commercial intercourse between the two kingdoms. Notice was afterwards given to every trading and manufacturing town, that such a plan was in contemplation; and a committee of privy counsellors was appointed to receive information and suggestions from merchants and manufacturers, relative to the different branches in which they were themselves engaged, with whom Mr. Pitt had also frequent private conferences, as the best means of obtaining a minute and practical knowledge of every article of commerce, foreign and domestic; and their astonishment was greatly excited by the acuteness and intelligence of his inquiries and observations.

The result of these consultations was brought before the Irish house of commons, by Mr. Orde, secretary to the lord lieutenant, on the

* Mr. Foster, chancellor of the exchequer, and Mr. Beresford, first commissioner of the revenue.

CHAP. VI. 1785.

7th of February 1785; and four days afterwards, eleven resolutions were passed as the basis of the proposed system. The house of lords, in that kingdom, concurred in these resolutions on the 16th, and they were immediately transmitted to his majesty, with a joint address*. On the 22d, Mr. Pitt, by the king's command, presented them to the British house of commons; and, after they were read, he observed, that he was persuaded, there was not a man in the house, of whatever party or description, however attached or connected, who would not agree, that the settling of the commercial intercourse between the two countries, upon a firm, liberal, and permanent basis, by which an end might be for ever put to jealousies and clamor, by which all future pretexts to discontent might be removed, and by which the surest foundations of future opulence and energy might be laid, was one of the most important topics which could be agitated in parliament, and one of the most desirable objects

* In the house of commons there were three divisions: the first upon a question of delay, in which the numbers were 156 and 33; the second upon an amendment moved by Mr. Gardiner, which was negatived by a majority of 178 to 33; and the third was upon the address to the king, in which the minority consisted of only two. In the house of lords there was no division.

they could accomplish. It was not his present intention, he said, to enter into the detail of the resolutions, which the house had just heard, and which he acknowledged he had been concerned in preparing; but to confine himself to an exposition of the general principles, on which they were founded: nor should he call upon the house to come to any decision, till sufficient time had been allowed for the examination of all the papers, which had been already, or which might hereafter be, laid on the table.

He desired to recal to the attention of the house, what had been, and what was, the relative situation of the two countries. It would be recollected, that from the revolution, to a period within the memory of every man who heard him, the system had been that of debarring Ireland from the enjoyment and use of her own resources; and to make her completely subservient to the interests and opulence of this country, without suffering her to share in the bounties of nature, or profit by the skill of her citizens, and without enabling her to contribute to the common welfare and strength of the empire. Ireland was excluded from every species of commerce—she was not allowed to send the produce of her own soil to foreign markets; and all corre-

CHAP. VI. 1785.

spondence with the British colonies had been prohibited to her, so that she could not obtain their commodities, but through the medium of Britain. This cruel and abominable restraint was as impolitic, as it was unjust and oppressive; for however instrumental it might be to the partial benefit of certain districts in this island, it promoted not the general prosperity and actual wealth of the British dominions, collectively considered. It counteracted the kindness of Providence, and suspended the industry and enterprize of man. Such was the system which had prevailed, and such the state of thraldom, in which Ireland had been kept for a period little short of a hundred years. A slight relaxation, indeed, took place in an early part of the present century; something more of the restrictive laws was abated in the reign of Geo. 2; but it was not until a time nearer to our own day, that the system was entirely exploded.

It was not to be expected, but that when Ireland, by the more enlarged policy of the present age, had acquired an independent legislature, she would instantly export her produce and manufactures to all the markets in the world. She did so; and this was not all. England, without any compact or bargain, generously admitted her to a share in the trade

to her colonies. She gave her liberty to import directly, and to export to all the world, except to Britain, every species of colonial produce. Thus much was done some years ago; but to this moment, the intercourse between Great Britain and Ireland themselves, remained upon the old footing. New regulations had indeed been made, in some trivial points; but no considerable alteration had taken place, either in the exportation of British manufactures to Ireland, or in the importation of Irish manufactures into Britain. That, therefore, which had been done, was still viewed by the people of Ireland as insufficient; and clamors were excited, and suggestions circulated in Dublin and elsewhere, of putting duties on our produce and manufactures, for the purpose of preventing their importation, under the name of "protecting duties."

Having thus far abandoned the commercial domination, in which we had so long persevered; having so wisely and justly put the Irish into a state, in which they might cultivate, and profit from, the gifts of nature; and having secured to them the advantage of their skill and industry—having, in these respects, abolished one system, and established another; surely no one could wish the immediate communication between the two countries, in

CHAP. VI. 1785.

matters of trade, to continue exactly as it was. There were, he said, but two possible systems for countries situated in relation to one another, like Britain and Ireland. The one was, that of having the smaller completely subservient and subordinate to the greater—to make the smaller, as it were, an instrument of advantage to the greater, and to cause all her efforts to operate and conduce solely to that purpose. This system had been tried by Britain in regard to Ireland. The other was a participation and community of benefits, upon a principle of equality and fairness, which, without tending to aggrandize the one, or depress the other, should seek the aggregate interests of the empire. Such a system of commercial equality, in which there was to be a community of benefits, demanded also a community of burdens; and it was this situation, in which he was anxious to place Great Britain and Ireland.

Mr. Pitt then proceeded to explain his plan for effecting this desirable and important purpose, as contained in the resolutions transmitted from Ireland, and which consisted of three general heads: First, it was proposed, that all foreign articles, which were now importable directly from other countries into Great Britain, should hereafter also be import-

able, under suitable provisions, into Great Britain, through the medium of Ireland. Secondly, that all articles, the produce or manufacture of Great Britain or Ireland, should be mutually importable into each other, under a proper regulation of countervailing duties, drawbacks, and bounties: thus would a complete participation of all the commercial and manufacturing advantages and privileges of every kind and description, enjoyed by England, be conceded to Ireland; and a perfect equality and reciprocity between the two kingdoms, be fully and finally established. Thirdly, it being considered reasonable, that Ireland, when admitted to this entire participation and community of benefits, should contribute to the expence of maintaining the colonies, and protecting the commerce of the empire; and that her contribution should be of such a nature as to keep pace with the gain derived from the new system, it was proposed, that the surplus of the hereditary revenue, above its present produce, should be appropriated towards the support of the naval force of the empire, in whatever manner the parliament of that kingdom should direct. The hereditary revenue, which now amounted to 656,000 *l.* a year, almost totally depended upon the trade and population of the country; and consequently,

CHAP. VI. 1785.

in whatever degree the trade and population of Ireland should be increased, she would pay a sum in proportion to that increase.

Having given this outline of the Irish propositions, as they were called, Mr. Pitt concluded, by moving the following preliminary resolution, "That it is the opinion of this house, that it is highly important to the general interests of the empire, that the commercial intercourse between Great Britain and Ireland should be finally adjusted; and that Ireland should be admitted to a permanent and irrevocable participation of the commercial advantages of this country, when the parliament of Ireland shall permanently and irrevocably secure an aid out of the surplus of the hereditary revenue of that kingdom, towards defraying the expence of protecting the general commerce of the empire in time of peace." Mr. Pitt proposed, that the consideration of this resolution should be deferred for a week, to give time to receive accounts and estimates; and he added, that if there should then appear any reason for further delay, he should willingly consent to it.

It may be observed, that in all former commercial concessions to Ireland, no stipulation had been made for any return—there had uniformly been a gratuitous surrender of

advantages, without providing for the slightest compensation. In this respect, Mr. Pitt's system differed from those of his predecessors. In fact, it could scarcely be said, that there was any system in what had hitherto been done for Ireland. Nothing had been granted upon the ground of substantial justice, and sound policy. Concessions were extorted, one after another, from the British government, and were nothing more than temporary expedients, to obviate pressing difficulties, or to silence present complaints. No attempt had been made, by a fair, liberal, and comprehensive adjustment of commercial interests, to cut off all cause of discontent in Ireland; and, by establishing lasting harmony between the two countries, to unite and consolidate their efforts for the promotion of the prosperity and welfare of the empire at large. All former ministers had shrunk from the undertaking, as involving unsurmountable obstacles.

It was scarcely to be expected, that a plan, which opened the British market to the Irish, for every article of trade and manufactures, both foreign and domestic, should not excite apprehension and jealousy in the commercial part of the community in Great Britain; more especially, as the most active endeavors were used by the opponents and enemies of govern-

CHAP. VI. 1785.

ment, both in and out of parliament, to persuade the public, that the mercantile and manufacturing interests of Great Britain would be sacrificed to those of Ireland, by the proposed arrangement. The alarm became very general, almost every one fancying, that his own branch of trade would be ruined; and in consequence, numerous petitions against the measure were presented to the house of commons. Two months were occupied in hearing counsel and examining witnesses; among whom were some of the principal merchants and manufacturers from every part of the kingdom; and the commissioners of customs and excise were also heard, as to the probable effect which the intended alterations would have upon the revenue. The most minute details were entered into; and all possible pains taken to ascertain, in what manner every branch of trade, every species of manufacture, and every article of taxation, would be affected; and likewise, by what regulations any difficulty might be obviated, or any mischief, which was apprehended, might be prevented. Desultory conversations frequently arose in the course of the examinations; and those members, on both sides of the house, who had applied their thoughts to trade and manufactures, delivered their sentiments upon the

points under immediate consideration. Never was subject more completely investigated—no part of it was left unexplored—a prodigious mass of evidence was collected, and a great variety of information obtained.

Mr. Pitt, after the fullest and most impartial attention to all the facts which had been stated, and to all the arguments which had been advanced, was convinced, that he might safely persevere in his plan, without danger to the commerce or revenue of this country. But though he was confirmed in the opinion, that the principles, upon which the arrangement was founded, were just and wise, he perceived, that the inquiries which had been instituted, and the discussions which had taken place, had thrown new light upon several points, which would enable him to render his plan more complete, and better suited to the accomplishment of its object. He willingly availed himself of this information and assistance; and, on the 12th of May, he submitted to the house, the whole system, matured and improved, in twenty resolutions, including the eleven transmitted from Ireland, into which he introduced various modifications and restrictions. Of the additional resolutions, some were only explanatory of, and supplemental to, the original ones: but the others

CHAP. VI. 1785.

related to subjects entirely new. These latter, contained provisions, that all the navigation laws, which were then, or might hereafter be, in force in Great Britain, should be enacted by the legislature of Ireland; that no West Indian merchandizes, except the produce of our own colonies, should be imported into Ireland; and that Ireland should not be allowed to trade to the East Indies, so long as the charter of the English East India company should continue. There were also regulations respecting patents, the copy-right in books, and the right of fishing upon the coasts of the British dominions. He explained the nature and tendency of the whole series of resolutions; and particularly dwelt upon those, which were now, for the first time, brought under the consideration of the house. He proved himself accurately acquainted with every branch of the trade and manufactures of both kingdoms, and at the same time displayed the most enlarged and comprehensive views of the general principles of commerce, and of the means by which it might be encouraged and extended, under the relative circumstances of England and Ireland. Towards the end of his speech, he addressed the house, in the most earnest manner, entreating them to reflect upon the momentous nature of the business then before

them;—that its object was to conciliate a difference between this and our sister kingdom, which, though at present confined to secret repinings and disgusts, to jealousies, and to a war of interests and of passions, might perhaps, in time, proceed to a length, which he shuddered to think of, and could not venture to express; that it tended to enrich one part of the empire, without impoverishing the other, while it gave strength to both; that, like Mercy, the favorite attribute of Heaven,

> "It is twice blessed;
> "It blesseth him that gives, and him that takes;"

that after the severe calamities, under which this country had so long labored, that after the heavy loss which she had sustained from the recent division of her dominions, there ought to be no object more impressive on the feelings of the house, than to endeavor to preserve from farther dismemberment and diminution, what yet remained of our reduced and shattered empire, and to unite and connect Great Britain and Ireland, now the only considerable members left, in the bond of mutual affection, mutual kindness, and reciprocity of interests. He called upon those gentlemen, who had enjoyed a share at different periods in the government of Ireland, to declare, from

CHAP. VI. 1785.

their local knowledge, whether the time was not now past, when temporary expedients, when lenitives calculated merely for the purpose of deadening the immediate sense of pain, without even approaching the seat of the distemper, could be administered with safety? Whether such measures could silence the demands, which the Irish, with a loud united voice, were at this moment making on the justice, the wisdom, and the humanity of the nation?

He apologized for having troubled the house so long upon a subject which had already occupied much of their attention; declaring, that, among all the objects of his political life, this was, in his opinion, the most important he had ever engaged in; nor did he imagine he should ever meet another, which would call forth all his public exertions, and rouse every feeling of his heart, in so forcible a manner, as the present had done—a question in which, he verily believed, was involved every prospect which still remained to this country, of again lifting up her head to that height and eminence, which she once possessed among nations; and of giving to her commerce, her public credit and her resources, that spring and vivacity, which she experienced at the conclusion of the war before the last; which was now so obvi-

ously returning, and which, he trusted, she would never be found to want, so long as liberality, public spirit, and disinterestedness held their place in that house. He concluded, by moving the first resolution.

A very long debate ensued, in which lord North moved for an immediate adjournment, asserting, that more time was required for the consideration of this extensive and important business. The question of adjournment was lost by a majority of 281 to 155, and the first resolution was passed. To the second resolution, Mr. Pelham moved an amendment, which was rejected, by a majority of 249, to 125; and the resolution, as proposed by Mr. Pitt, was passed, at six o'clock in the morning, after which the house adjourned.

In this, and in the other debates which took place upon the remaining resolutions, numerous objections were urged: It was stated, that the system must necessarily be detrimental to the commerce and manufactures of Great Britain, as the comparatively low price of labor in Ireland, would enable the Irish to sell the same articles at a less price than that at which the English could afford them; that many foreign articles would be smuggled into Ireland, and from thence imported into Great Britain, which would be injurious to the

CHAP. VI. 1785.

revenue; that the requiring the parliament of Ireland to adopt the present and all future navigation laws, which might be in force in Great Britain, was inconsistent with the legislative independence of Ireland, and a resumption of that authority, which had been formally renounced; and that Great Britain would derive no pecuniary benefit from this plan, as it was highly improbable, that the hereditary revenue of Ireland should produce any surplus above the stipulated sum. These objections, however, were considered either as unfounded, or as of very little weight, when put in competition with the great and important advantages expected from the plan.

All the resolutions, most of which were warmly debated, passed the house of commons, by large majorities; and on the 31st of May, they were carried up to the house of lords. There, also, counsel were heard, and witnesses examined, in consequence of petitions; but after several debates, the resolutions were passed by a great majority, with some immaterial amendments. The resolutions, thus amended, were sent back to the house of commons; and Mr. Pitt moved, that they should be laid before his majesty, for the purpose of being transmitted to Ireland, with an address, which he then proposed. To this the house

agreed, at the end of a long debate; and the concurrence of the house of lords was obtained a few days afterwards, in both cases, without any division. The following was the joint address of the two houses, which was presented to his majesty on the 29th of July, and which contained a clear and accurate statement of the whole system, as it then stood:

"Most gracious Sovereign,

"We your majesty's most dutiful and loyal subjects, the lords spiritual and temporal, and commons, of Great Britain, in parliament assembled, have taken into our most serious consideration, the important subject of the commercial intercourse between Great Britain and Ireland, recommended in your majesty's speech at the opening of the present session, and the resolutions of the two houses of the parliament in Ireland, which were laid before us, by your majesty's command, on the 22d of February last.

"After a long and careful investigation of the various questions necessarily arising out of this comprehensive subject, we have come to the several resolutions, which we now humbly present to your majesty, and which, we trust, will form the basis of an advantageous and

CHAP. VI. 1785.

permanent commercial settlement between your majesty's kingdoms of Great Britain and Ireland.

"We have proceeded on the foundation of the resolutions of the parliament of Ireland; but in considering so extensive an arrangement, we have found it necessary to introduce some modifications and exceptions; and we have added such regulations and conditions as appeared to us indispensably necessary for establishing the proposed agreement on just and equitable principles, and for securing to both countries, those commercial advantages, to an equal enjoyment of which they are in future to be entitled.

"Your majesty's subjects in Ireland, being secured, in a full and lasting participation of the trade with the British colonies, must, we are persuaded, acknowledge the justice of their continuing to enjoy it on the same terms with your majesty's subjects in Great Britain.

"And it is, we conceive, equally manifest, that as the ships and mariners of Ireland are to continue, in all time to come, to enjoy the same privileges with those of Great Britain, the same provision should be adopted in Ireland, as may be found necessary in this country, for securing those advantages exclusively to the subjects of the empire. This

object is essentially connected with the maritime strength of your majesty's dominions, and consequently with the safety and prosperity both of Great Britain and Ireland.

"We therefore deem it indispensable, that these points should be secured, as conditions necessary to the existence and duration of the agreement between the two countries; they can only be carried into effect by laws to be passed in the parliament of Ireland; which is alone competent to bind your majesty's subjects in that kingdom, and whose legislative rights we shall ever hold as sacred as our own.

"It remains for the parliament of Ireland to judge, according to their wisdom and discretion, of these conditions, as well as of every other part of the settlement proposed to be established by mutual consent.

"Our purpose in these resolutions, is, to promote alike the commercial interests of your majesty's subjects in both countries; and we are persuaded, that the common prosperity of the two kingdoms will be thereby greatly advanced; the subjects of each will in future apply themselves to those branches of commerce, which they can exercise with most advantage; and the wealth so diffused through every part, will operate as a general benefit to the whole.

CHAP. VI. 1785.

"We have thus far performed our part in this important business; and we trust, that in the whole of its progress, reciprocal interests and mutual affection will ensure that spirit of union, so essentially necessary to the great end which the two countries have equally in view.

"In this persuasion, we look forward with confidence to the final completion of a measure, which, while it tends to perpetuate harmony and friendship between the two kingdoms, must, by augmenting their resources, uniting their efforts, and consolidating their strength, afford your majesty the surest means of establishing on a lasting foundation, the safety, prosperity, and glory of the empire."

On the 2d of August, Mr. Pitt presented to the house, a bill founded upon these resolutions, "for finally regulating the intercourse and commerce between Great Britain and Ireland, on permanent and equitable principles, for the mutual benefit of both kingdoms." It was ordered to be printed; and the house, by his majesty's command, then adjourned to the 27th of October, by which time it was hoped, that the Irish parliament would have passed a bill, for carrying, on their part, the proposed system into effect.

This hope, however, was disappointed. The eleven original resolutions had passed both houses of the Irish parliament almost unanimously, and they were very generally approved in the country; but through the exertions of party-spirit, and the arts of designing men, so strong a prejudice was excited in Ireland, against the alterations and additions made by the British parliament, that even before the twenty resolutions reached that kingdom, numerous petitions were presented against them to the house of commons, and several members declared their determination to oppose them. The provision respecting the navigation laws, was considered in Ireland still more strongly than in England, as an infringement of its legislative independence, although it was impossible that Great Britain should not stipulate for the preservation of laws, which were the source both of her commercial opulence and of her naval power; and although it had been unequivocally acknowledged in the debates of the English parliament, and was expressly asserted in the address to the king, that "the parliament of Ireland was alone competent to make laws binding upon his majesty's subjects in that kingdom." The appropriation of the surplus of the hereditary revenue, and the prohibition of trade to the

CHAP. VI. 1785.

East Indies, were reprobated as reducing the country to little less than a state of slavery; although that surplus, granted in return for the most substantial advantages, was to be applied to the support of the naval force of the empire, under the direction of the Irish parliament itself; and the prohibition of trade to the East Indies, only placed the Irish in precisely the same state, in which all the English were, except the East India company, and was indispensably necessary for the preservation of public faith and chartered rights. It is to be observed too, that Mr. Pitt had declared it to be his intention to empower the company to take from the ports of Ireland such part of their outward bound cargo as they might find convenient; and likewise to import directly into Ireland, from the East Indies, such articles of the produce of that country, as they might think proper; which would have been important provisions in favor of Ireland, and ought to have prevented any dissatisfaction on the ground of the East Indian trade. But unfortunately, the Irish at this moment were taught to consider every thing which originated in England as an object of jealousy and mistrust, and as concealing hostile intentions under the guise and semblance of friendship. It is also to be remem-

bered, that there always existed in Ireland, a large body of men, who, from various causes, but chiefly from hostility to the protestant ascendancy, were anxious to produce a separation between the two kingdoms, and who never failed to encourage and foment any discontent which might arise with respect to the conduct of Great Britain. 1785.

On the 12th of August, Mr. Orde brought the plan before the Irish house of commons; and after a speech explanatory of the grounds upon which the parliament in England had altered, and added to, the original resolutions, he moved for a bill similar to that which Mr. Pitt had introduced into the British house of commons. The motion, after a long and violent debate, which lasted till nine o'clock in the morning, was carried by only 128 to 107; which small majority induced Mr. Orde, a few days afterwards, when he presented the bill, and obtained leave to have it printed, to inform the house, that it was not his intention to proceed any farther with the business in the present session. He was, he said, desirous of giving leisure, both to parliament and to the public, to examine and to understand the plan; and he trusted, that when the present ferment should have subsided, and the system should be calmly and dispassionately con-

CHAP. VI. 1785.

sidered, free from the errors of misrepresented facts, and the delusion of sophistical reasoning, it would be found eminently calculated to promote the prosperity of Ireland, and in no degree violating the privileges she now enjoyed: he added, that when he should have reason to think, that such a conviction had taken place, he should again call the attention of the house to the subject.

The failure of this plan was a most severe mortification to Mr. Pitt. He had labored unremittingly for nearly twelve months, to make it as perfect and as unexceptionable as its extensive and complicated nature would allow; and he was satisfied that it would have proved highly conducive to the most important interests of Ireland, as well as to the general welfare of the empire. He thought it, however, wise in the Irish government to yield to the present clamor, and to wait for a change of sentiment, to which he looked forward, at no distant period, with the utmost confidence*.

* Some communication passed in the summer of 1787, between Mr. Pitt and the Irish government, relative to the revival of this plan, with such alterations as might be thought expedient, but it was determined not to make the attempt. It may be a question, whether the adoption of this plan would not have prevented the continuance and increase of that discontent, and of those distresses, which at length produced open rebellion in Ireland.

There being now no occasion for the British parliament to meet on the 27th of October, it was prorogued by commission, without a speech from the throne. 1785.

During the progress of this unsuccessful attempt to improve the trade and manufactures of Ireland, the volunteers were exerting all their influence to excite in the nation, a spirit of disaffection and hostility to Great Britain, which must have contributed in no small degree, to render the commercial propositions unpopular, the obvious tendency of which was to establish a more intimate and beneficial connection between the two kingdoms. A reform of parliament continued to be their professed object; and after the rejection of Mr. Flood's bill, they had recourse to a most unconstitutional and dangerous expedient. On the 7th of June 1784, they called a general meeting of the citizens of Dublin, who passed a variety of resolutions; in which, among other things, they asserted, that the people had an unalienable right to correct any abuses which had crept into the representation, and that the existing house of commons was notoriously venal and corrupt: they farther agreed, that an address should be circulated throughout the kingdom, for the purpose of stimulating the

CHAP. VI. 1785.

body of the people to a general and zealous co-operation to accomplish a reform in the representation; and also, that a petition should be presented to his majesty, praying for the dissolution of the present parliament. This address to the people, contained a detailed account of the various hardships, under which the Irish had long labored, and attributed them to the defects of their representation in parliament: it stated, that all the endeavors, which had hitherto been exerted to obtain a reform, had failed; and therefore, they called upon their fellow-subjects to unite with them, in adopting some more efficacious mode of application; and with that view they proposed, "that five persons should be elected from each county, city, and considerable town, to meet in Dublin, on the 25th of October, in national congress, to deliberate, digest, and determine on such measures, as may seem to them most conducive to re-establish the constitution on a pure and permanent basis, and secure to the inhabitants of this kingdom, peace, liberty, and safety." This address was farther remarkable for recommending, that the roman catholics should be admitted to vote at the election of members of parliament. The petition to the king, after complaining of the inadequate state of representation, the long

duration of parliaments, the unconstitutional conduct of administration, and the arbitrary proceedings of the house of commons, in rejecting the petitions of the people, concluded with a request, that his majesty would be pleased to dissolve parliament. They applied to the lord lieutenant (the duke of Rutland,) to convey this petition to the king; and his excellency informed them, that though it was his duty to convey their petition to his majesty, he should be under the necessity of accompanying it with expressions of his entire disapprobation, as "it contained unjust and indecent reflections upon the laws and parliament of Ireland, and tended to foment fatal dissensions among the people." 1785.

In the following month, a petition of nearly the same tenor was sent by the inhabitants of Belfast to Mr. Pitt, which they requested him to present to his majesty; and in their letter, they alluded to his sentiments and exertions in favor of parliamentary reform. Mr. Pitt, in his answer, informed them, "That he had undoubtedly been, and still continued, a zealous friend to a reform in parliament; but that he must beg leave to say, that he had been so on grounds very different from those adopted in their petition: that what was there proposed, he considered as tending to produce

CHAP. VI. 1785.

still greater evils than any of those, which the friends of reform were desirous to remedy."

The sheriffs for the city of Dublin had, by public advertisement, summoned a meeting of the inhabitants on the 20th of September, for the election of five delegates to represent them in a national congress. A few days before the meeting was to take place, the attorney general informed the sheriffs, that by this act they had been guilty of a violation of the laws; and that, if they persevered, it was his intention to prosecute them in the king's bench. On the appointed day, one of the sheriffs read the attorney general's letter, and in consequence of it, dissolved the meeting, without allowing them to elect any delegates. Application was afterwards made to the new sheriffs, who entered upon their office on the 29th of September, to call a meeting on the 11th of October, for the election of delegates; but they declined all interference, and a meeting took place without their authority. This meeting, besides electing delegates, passed several strong resolutions, declaratory of their "sacred and imprescriptible right to assemble themselves for the redress of grievances;" and affirming, that "all attempts to interrupt these constitutional meetings, were to be regarded as an alarming encroachment upon

the liberties of the people, and a direct violation of magna charta and the bill of rights;" and announcing their determination to "animate and protect, by every effort in their power, those of their countrymen, who, in these disastrous conjunctures, might become the victims of ministerial persecution, for having vindicated and supported, by constitutional means, the privileges of the nation." 1785.

On the other hand, a meeting, legally summoned, of the lord mayor, sheriffs, and freemen of Dublin, was held on the 16th of October, at which they voted an address to the lord lieutenant, expressive of their "extreme grief, for the violence which had long reigned among the people, and of their lasting gratitude for the exertions that had repressed the disorders, by which the kingdom was disgraced. They referred themselves entirely to his good offices with the sovereign, to procure to Ireland a more equal representation of the people; and the permanent establishment of a commerce productive of advantages to the two kingdoms, and strengthening the links by which Ireland was united to Great Britain. Full of the most unshaken attachment to the principles of the constitution, they warmly approved the conduct, which his excellency had opposed to dangerous innovations; and they engaged to

CHAP. VI. 1785.

defend, with their whole power, and by every constitutional method, the protestant establishment against any attacks, by which it might be assailed." And a few months afterwards, they voted an address to the king, in which they said, that "they might justly be deemed insensible to the blessings they had derived under his majesty's auspices, if they omitted that seasonable occasion of declaring their rooted abhorrence of every attempt to create unjust and dangerous discontents, tending to subvert the constitution, in church and state; they rejected, with indignation, the interference of any body of men, unknown to the constitution; and they were resolved to suffer no assumed authority to dictate to the legislature of the land." This address was signed by 21 peers, and 1,121 commoners.

In the mean time, the attorney general proceeded by attachment against Mr. Reilly, high sheriff of the county of Dublin, who had called a meeting of freeholders for the election of delegates, presided at it, and signed the resolutions; and the court of king's bench, having pronounced both the meeting and the resolutions illegal, punished Mr. Reilly, by a fine of five marks, and imprisonment for one week. Similar punishments were inflicted upon other magistrates, who were guilty of the

same offence, and also upon the printers and publishers of newspapers, in which these illegal resolutions were inserted.

The congress met on the 25th of October, but very few delegates being present *, after sitting three days, and passing some resolutions, they adjourned to the 20th of the following January, when the delegates from twenty-seven counties, and from several cities and towns, assembled to the number of about two hundred. After sitting till the 4th of February, they adjourned to the 20th of April, on which day they declared their then meeting to be final. They came to several resolutions, relative to the necessity of a more equal representation in parliament, and to the propriety of another application to the house of commons; and their last act was, the publication of a brief address to the people of Ireland; in which they observed, "that if the abuse of former parliaments did not inspire a distrust of those which were to come; if the venerable opinion of those illustrious men, who were now no more, and the assistance of those whose present labors co-operated with them in the same pursuit, had no influence to awaken

* Mr. Orde informed Mr. Pitt, that only 36 attended, of whom Mr. Flood was one, most of the others being persons of no importance, and of infamous character.

CHAP. VI. 1785.

their fears, to animate their efforts, and to invigorate their hopes; this, and every other endeavor must fall into oblivion; and they would shortly repose in indolent acquiescence, under such a representation, as would gall themselves and their posterity with increasing taxation and oppression."

The small attendance of delegates, the short sittings of congress, and its speedy dissolution, were caused by the late spirited exertions of government; and the desponding language in the final address of congress, is to be ascribed to the general reprobation, by all sober-minded persons, of the recent proceedings of the advocates for parliamentary reform, and to the difference of opinion which had arisen among themselves, and created considerable disunion, relative to the important point of admitting roman catholics to the right of suffrage. Lord Charlemont, who was at the head of the volunteers, and an avowed friend of reform, declared against the grant of that right, for which he received the thanks of the corporation of Dublin, in October 1784.

It was determined, that Mr. Flood should not introduce his bill a second time, till the fate of Mr. Pitt's motion, upon the same subject in the British house of commons, should be known. We have seen that Mr. Pitt's

motion was negatived, on the 18th of April; and on the 12th of May, Mr. Flood's bill, which had been introduced a few days before, was rejected, upon the second reading, by a majority of 112 to 60. Thus ended, for the present, the attempt in Ireland to obtain a parliamentary reform; but there still remained a discontented and turbulent spirit in the country, which in time, as we shall hereafter see, broke forth in disorders of the most serious nature.

CHAPTER THE SEVENTH:

1786.

Continental Affairs—Meeting of Parliament—The Duke of Richmond's Plan of Fortifications—Mr. Pitt's Plan for the Redemption of the National Debt—His other Finance Measures—Amendment of Mr. Pitt's India Bill—Commencement of Proceedings against Mr. Hastings—Prorogation of Parliament.

CHAP. VII.

1786.

THE prospect, in the beginning of the year 1785, of the immediate commencement of hostilities between Austria and the United States of Holland, was mentioned in the preceding chapter. This expected rupture, however, did not take place. The emperor, perceiving from the decisive language held by the court of Versailles, and the actual assembling of troops near Luxembourg, that if he prosecuted his claims by force of arms, the French would support the Dutch with all their power, thought it more prudent to settle the points in dispute, by means of negotiation. He required, indeed, as a previous step, that a formal apology should be made for the insult offered to his flag, by the seizure of the brigs upon the Scheldt; and the states, not hesitating to gratify his pride

in this instance, sent two of their nobles to Vienna for that purpose, in the month of July. This matter being adjusted, conferences were immediately opened between the Austrian and Dutch ambassadors, at Paris; and so really desirous were both parties of an amicable arrangement, that the preliminaries were signed on the 12th of September, and the definitive treaty on the 8th of November, through the mediation, and under the guarantee, of the king of France. 1786.

By this treaty it was agreed, that the emperor should enjoy the sovereignty of the Scheldt from Antwerp to the county of Softingen, and that the sovereignty of the rest of the river from thence to the sea, together with the canals of the Sas, the Swin, and the mouths of the neighboring rivers, should continue to belong exclusively to the states general; that the states should demolish the forts of Kriuschans and Frederick Henry, and cede the territories to the emperor, and that they should also cede to him the forts of Lillo and Lickinshock, with their fortifications, having the liberty of previously withdrawing their artillery and ammunition; and that the states general should pay to the emperor, 9½ millions of florins, in consideration of his renouncing all pretensions to Maestricht, and its territory,

CHAP. VII. 1786.

and half a million of florins, as an indemnification for the damages which his subjects had sustained by the inundations. There were also several articles relative to local rights and internal regulations, and one by which the contracting parties mutually renounced all farther claims upon each other. The emperor was unquestionably a gainer by this treaty; but throughout the transaction he gave proofs of that want of steadiness and decision, by which his character was strongly marked.

Mr. Pitt watched with attention the whole of these proceedings, but they never assumed a shape to make it necessary for the court of London to interfere. After the arrangement was settled, he received private intelligence, that of the ten millions of florins, paid by the Dutch to the emperor, four millions and a half were advanced by France, which his informant mentioned as a proof of the desire of the court of Versailles to preserve the peace of Europe; but, perhaps, it ought rather to be considered as the price of that ascendancy, which France was from this time allowed to exercise over the counsels of the states general; and which we may conclude, she was most anxious to obtain, as her finances were at this time by no means in a florishing condition. Two days indeed after the conclusion of the treaty between

Austria and Holland, a defensive and offensive treaty between France and Holland was signed, by which those two countries entered into the closest alliance; each engaging to support and assist the other, with a certain specified number of men and ships, in case of attack by any third power; and an article being inserted, that any other power might be invited to join in the treaty, which was known to have reference to Spain, it was evident that France intended to make Holland a party in the family compact, and to pledge her to co-operate in promoting all the views of the house of Bourbon. This treaty, so contrary to the system pursued by the states general from the period of their first establishment, and so obviously dangerous to their independence and best interests, was a decisive proof of the great influence, already acquired by France over the states, to which the pecuniary accommodation just mentioned must have contributed, and was sufficient to awaken jealous apprehensions in the other powers of Europe. It appears, from the correspondence of our minister at the Hague, that one of the great objects which France had in view from this alliance, was, to induce Holland to increase her naval force in the East Indies, for the purpose of molesting our trade, and to be

CHAP. VII. 1786.

prepared to assist our enemies, and to attack our possessions, in that distant quarter of the world, if any opportunity should present itself: and accordingly, Mr. Pitt afterwards received intelligence, that in the course of the following summer, five Dutch frigates were sent to be stationed in different parts of the Indian seas.

It is very singular, that while the emperor was urging his claims with so much earnestness to the free navigation of the Scheldt, he was carrying on a secret negotiation, which, if it had succeeded, would have deprived him of all immediate interest in every thing connected with that river. The object of the negotiation alluded to, was, the exchange of the Netherlands for the electorate of Bavaria. This exchange would have been highly advantageous to the emperor, as it would have rendered his dominions contiguous, and have ensured to him a still greater preponderance in Germany, than he had hitherto enjoyed. But it is difficult to say, what could have been the inducement to the elector of Bavaria, who was at this time far advanced in age, infirm, and without children; unless, as was generally believed, he was tempted by the promise of raising the Netherlands into a kingdom, and of giving him the title of king of Austrasia. Such progress, however, was

made in the treaty, that the empress of Russia, who was closely connected with the emperor, and probably acquainted with the proceedings from the first, requested the consent of the duke of Deux Ponts, the presumptive heir* of the electorate, which the duke refused to give; and applied to the king of Prussia for his protection and assistance, to prevent an agreement inconsistent with the provisions of the treaty of Teschen, of which he was guarantee. To this application, the king gave a favorable reply; being desirous of opposing any plan, which might tend to the aggrandizement of the house of Austria.

The negotiation now became generally known, and excited great alarm among the German states, who could not but consider the proposed consolidation and increase of the Austrian power as highly dangerous to their own independence. To give effect and encouragement to this general impression, the king of Prussia, the king of Great Britain, as elector of Hanover, and the elector of Saxony, in avowed reference to the pending negotiation, entered into a treaty of union and confederation, by which they bound themselves to maintain the indivisibility of the empire, the general rights of the Germanic

* He was nephew to the present elector.

CHAP. VII. 1786.

body, and those of its individual members. To this treaty the duke of Deux Ponts, the margrave of Anspach, and other princes, afterwards acceded. The emperor, being thus convinced, that the exchange could not be accomplished, without the most determined resistance of all the German states, with his usual versatility, abandoned his design, and even denied that it had ever been in contemplation; asserting, that the negotiation between himself and the elector of Bavaria, had no farther object than the adjustment of the limits of their respective dominions. The empress of Russia was extremely displeased with this league of the German states, thinking it might impede her views with respect to herself and Austria; and went so far as to authorize count Woronzow, her minister at our court, to represent, that if the king of Great Britain did not relinquish his alliance with Prussia and Saxony, she would enter into treaties which would not be agreeable to him. To this threat no regard was paid.

It was not the practice of the king to consult his English ministers, relative to the affairs of his German dominions; and he entered into this league, which could not but be offensive to the emperor, without any communication with Mr. Pitt upon the subject. The acqui-

sition of Bavaria, would have caused great accession of strength to the emperor, which might have proved fatal to the smaller states in Germany, but was perhaps desirable for England, in the present state of European politics, as it would have better enabled him to resist any ambitious project of France: upon this point, therefore, the interests of Great Britain and of Hanover seem to have been different. The conduct of France, during the dispute concerning the opening of the Scheldt, plainly shewed, that she considered any addition to the power of the house of Austria, as contrary to her interests; but it appears, from intelligence privately received by Mr. Pitt, that it had been in contemplation to endeavor to gain her assent to the proposed exchange of Bavaria for the Netherlands, by the offer of Namur and Luxembourg. She might also have been tempted to acquiesce in this arrangement, by another consideration, that the king of Austrasia, having no other dominions but the Netherlands, must have been, comparatively, a weak power, and, consequently, very much dependent upon France.

PARLIAMENT met on the 24th of January 1786; and the king, in his speech from the throne, informed the two houses, that the dis-

CHAP. VII. 1786.

pute, which, at the beginning of the last year, threatened an interruption to the tranquillity of Europe, had been brought to an amicable conclusion; and that he continued to receive from foreign powers, the strongest assurances of their friendly disposition towards Great Britain. His majesty also informed them, that the resolutions which they had laid before him, as the basis of an adjustment of the commercial intercourse between this country and Ireland, had been communicated to the parliament of that kingdom; but that no effectual step had hitherto been taken thereupon, which would enable them to make any farther progress in that salutary work. After mentioning the growing blessings of peace, experienced by his subjects, in the extension of trade, the improvement of the revenue, and the increase of public credit, and his own earnest wish to enforce economy in every department, he recommended to the house of commons, the establishment of a fixed plan for the reduction of the national debt; a measure, which, he trusted, the florishing state of the revenue would enable them to effect, with little addition to the public burdens; and he concluded with saying, that the vigor and resources of the country, so fully manifested in its present situation, would encourage parliament in con-

tinuing to give their utmost attention to every subject of national concern, particularly to the consideration of such measures as might be necessary, in order to give farther security to the revenue, and to promote and extend, as far as possible, the trade and general industry of his subjects.

After the address had been moved and seconded in the usual form, and lord Surrey had said a few words, Mr. Fox observed, that of all the speeches at the opening of a session of parliament, he had ever heard, or read of in history, he did not remember one, which was so cautiously worded, or which afforded so little ground of objection, as that which had just been delivered by his majesty. He rose, therefore, to speak to what was out of it, rather than to what was in it, to that which, perhaps, ought to have been there, rather than to what was there. He said, that the extension of trade, the florishing state of the revenue, and the increase of public credit, were circumstances, in which every one must rejoice: he asserted, that he had always expected there would be some surplus, and he would not be so uncandid, as not to acknowledge, that the surplus, whatever it might prove to be, was in part owing to the success of some of the measures of the present administration. He

CHAP. VII. 1786.

then desired to know, as he could not collect it from the speech, whether the resolutions, designed as a basis of commercial intercourse with Ireland, were entirely abandoned, or whether they were to be revived at some future period: he reminded the house, that Mr. Pitt, when the subject was first started, in some of the most vehement strains of his all-powerful eloquence, had condemned lord North for his temporizing concessions to Ireland, and for not having made an equitable and final settlement: he (Mr. Pitt) had then declared, that it was impossible for matters to remain as they were; and now the king's speech seemed to intimate, that they must remain as they were: it was, therefore, necessary, that the parliament and the public should clearly know what was really intended. He advised Mr. Pitt never again to attempt to carry a measure, so "detestable in the eyes of the manufacturers of Great Britain and Ireland;" and he dwelt for a considerable time upon the mischiefs, which, as he said, the agitation of the question had already produced in both countries, and upon the hardships and oppressions under which Ireland was groaning. He complained, that the speech confined itself to general and vague expressions respecting the tranquillity of Europe, and the disposition of foreign

powers; at the same time he was aware, that not being a minister, he was at liberty to speak of the political transactions of the continent, in a manner in which it would be highly imprudent for his majesty's ministers to express themselves. He represented the treaty between France and Holland, though he believed it to be impolitic on the part of Holland, as unfavorable to this country; inasmuch as it combined three* of the most powerful maritime states of Europe in a confederacy against Great Britain: and after censuring ministers for not exerting themselves to prevent it, he recommended to them, with a view to counteract its mischievous tendency and effect, a close and intimate alliance with the court of Petersburgh†. He expressed great satisfaction at having understood, that we were likely to renew a treaty of commerce with Russia, as commercial treaties between two countries had always a great degree of influence upon their politics. He said, that the emperor of Germany, the only power France could fear by land in case of war, was offended, and his feelings rendered adverse to Great Britain, by

* Mr. Fox considered it certain, that Spain would accede to this treaty: Spain, however, did not accede to it.

† Mr. Fox knew that at this moment ministers were endeavoring to form an alliance with the empress of Russia.

CHAP. VII. 1786.

the treaty which the elector of Hanover had entered into with the German princes, for the purpose of defeating the emperor's wishes respecting Bavaria; and contended, that the measures relative to his majesty's continental dominions, ought to be under the control of his English ministers. He complained also, that no mention was made of India in the speech; and after repeating some of his old arguments against Mr. Pitt's India bill, he affirmed, that it had not produced a single good effect; and that the provision, which required the servants of the company to give an account of their fortunes on oath, was extremely disliked in India.

Mr. Pitt began his reply, by declaring, that he did not mean to depart from that caution, which, it was acknowledged, ministers ought, from a sense of duty, to observe in speaking of foreign courts. He made no remark upon what Mr. Fox had said concerning the treaty between France and Holland; and declined entering into any detailed account of the disposition of the continental powers towards Great Britain, or towards each other, considering the general declaration in the king's speech as sufficient. Nor did he give any answer to Mr. Fox's question respecting the Irish resolutions: but severely censured him

for the unguarded and inflammatory language, in which he had spoken upon that delicate subject. He was glad that Mr. Fox had changed his sentiments relative to the finances; as in the last session he had maintained, that there would be a considerable deficiency; and now he admitted, that there would be a surplus. Through what means this surplus had accrued, and whether the honor resulting from it belonged to his majesty's ministers, were questions which he found himself very little inclined to discuss, because it was enough for him, that the surplus did exist; and the satisfaction which he felt at the comfortable prospect afforded by it to his country, was sufficient to absorb and overpower every idea of a personal nature, to which it could possibly give occasion. He informed the house, that the treaty with the empress of Russia was in a state of great forwardness; and he had every ground to hope, that it would give general satisfaction. As to the German confederacy, to which his majesty, in his capacity of elector of Hanover, had acceded, he said, that he and his colleagues had no concern, either in the merit or demerit of that measure. Accident had indeed placed the sovereignty of that country, and of this, in the same hands; but it by no means followed, that the interests of

CHAP. VII. 1786.

each must necessarily be the same; though he admitted, that it might perhaps promote their mutual advantage to make their interests as reconcileable, as the different circumstances and situations of the two countries would allow. He desired to have it understood, that Great Britain was by no means committed or bound by any league lately entered into by the elector of Hanover; nor did he look upon it as incumbent upon the ministers of this kingdom, to lay before parliament, except in cases of necessity, such arrangements as may have been made for Hanover, by the advice of the ministers of that electorate. He noticed the inconsistency of Mr. Fox's apprehension of our being involved in difficulties, through the means of his majesty's German territories, and yet his expectation that the administration of those territories should be subordinate to the government, and regulated by the ministers, of Great Britain, as if that very circumstance would not of itself render it absolutely necessary, that this country should, on all occasions, consider itself bound to protect and assist the electorate; whereas the only way for Great Britain to avoid embroiling herself in quarrels on account of Hanover, was, by the British administration standing, as much as possible, independent of Hanoverian politics. He said,

that India was omitted in the speech, because parliament having passed a bill for the government of our eastern possessions, there was no longer any reason to mention that subject. He defended the bill; and observed, that as the part referred to by Mr. Fox was of a restrictive nature, there was no reason to expect that it would be received with any sanguine marks of approbation, by those on whom the restriction was to operate. The address was voted without a division.

THE first question of importance brought before the house of commons, in the present session, was, a plan of the duke of Richmond, master general of the ordnance, for fortifying the dock-yards of Portsmouth and Plymouth. This plan, in a general view, had undergone some discussion in the preceding session, and was strongly objected to by several members, who were not in the habit of opposing the measures of government. It was, however, admitted on all sides, that it was a subject which demanded full investigation; but at the same time that it was very unfit to be examined in detail before the house, as it might make known, in what places, and by what means, our ports and dock-yards were most exposed to the attacks of the enemy; and therefore,

CHAP. VII. 1786.

Mr. Pitt, in consequence of a suggestion from colonel Barré, proposed, that the farther consideration of the business should be postponed, and that the plan should be immediately referred to a certain number of professional men for their opinions, which might enable the house to come to a satisfactory decision at a future time. This idea was approved; and accordingly, on the 13th of April 1785, a board of the most distinguished officers, both in the army and navy, with the duke of Richmond as president, was appointed by the king, who were required to report their sentiments upon the proposed plan, under separate heads, prepared and arranged for that purpose; and six data or hypotheses were annexed, stating the circumstances, under which the enemy might be supposed to make an attack upon the dock-yards. These officers, after attentively considering this important subject, and minutely examining every part of the plan upon the spot, resolved unanimously, "That it is perfectly right, necessary, and wise, effectually to provide in time of peace, for the security of the dock-yards at Portsmouth and Plymouth, by fortifications capable of resisting such an attack, as an enemy may be able to make upon them during the absence of the fleet, or whilst from other causes the fleet may be prevented

from affording its protection to the dock-yards;" and all the land officers, except two, declared, that the works recommended appeared to them to be calculated upon the most economical principles, and to require the smallest number of troops possible to answer the purpose of effectually securing the dock-yards at Portsmouth and Plymouth: they conceived, that such numbers could be spared for this purpose; and they considered such protection to be an essential object for the safety of the state, and intimately connected with the general defence of the kingdom. The plan was afterwards referred to a committee of engineers, who estimated the expence of carrying it into execution at 760,097 *l.*

This estimate, and such parts of the instructions to the board of naval and military officers, and of their report, as might with safety be made public, together with a variety of other papers, were laid before the house, in the middle of February 1786; and, after several previous conversations, from which it was evident, that the plan, even with its present sanction, would meet with very serious opposition, Mr. Pitt, on the 27th of that month, brought the business forward for final determination. He began, by observing, that the system of fortification had been dragged forth to public notice,

CHAP. VII. 1786.

as deserving the severest censures, which could be thrown on any measure of government; that there had been attempts to excite against it, the feelings, the passions, and even the most estimable prejudices of the nation. It was represented as novel in its principle, as unconstitutional in its tendency to increase the standing army, and as calculated to divert into either an useless or a dangerous channel, those resources, which ought rather to be applied to that great foundation of our strength, of our glory, and of our characteristic superiority over the rest of the nations of Europe, our navy. Such having been the endeavors to give an unfavorable impression of the system—and he was aware, not entirely without effect—he was determined to submit to the house a proposition, which would embrace all the principles, upon which the question, in his judgment, rested; and at the same time afford him an opportunity of answering the objections, which had been so vehemently urged, and so industriously circulated. He then read the following resolution, which it was his intention to move, before he sat down, "That it appears to this house, that to provide effectually for securing his majesty's dock-yards at Portsmouth and Plymouth, by a permanent system of fortification, founded on the most

economical principles, and requiring the smallest number of troops possible to answer the purpose of such security, is an essential object for the safety of the state, intimately connected with the general defence of the kingdom, and necessary for enabling the fleet to act with full vigor and effect, for the protection of commerce, the support of our distant possessions, and the prosecution of offensive operations in any war, in which the nation may hereafter be engaged."

The first branch of the question which he discussed, was, the necessity of the fortifications for the security of the national defence; and that the house might judge upon this point, he called to their recollection, the unfortunate and calamitous situation of the country in the late war, which was, in a great degree, owing to the want of such fortifications, as it was the aim of the present plan to provide. A considerable part of our fleet was then confined to our ports, in order to protect our dock-yards; and the consequence was, that we were compelled to do, what Great Britain had never done before, to carry on a mere defensive war—a war, in which we wasted our resources, and impaired our strength, without any prospect of benefiting ourselves. Was the house ready to stand

CHAP. VII. 1786.

responsible to posterity, for a repetition of such disgraces and misfortunes? Were they willing to take upon themselves the hazard of transmitting to the next generation, those dangers and those consequent calamities, which they had themselves so bitterly experienced? The board of land and sea officers, which had been appointed, and which consisted of every thing that was great and respectable in the two professions, had given the subject a fuller consideration, and a more minute research, than had ever been known on such an occasion, in any other age or country. The report made by that board, was so direct and so conclusive, as to the necessity of the measure, that it ought of itself completely to determine the question. It declared, that neither a naval, nor a military, force, nor even both united, could afford a sufficient security for the nation to rely upon; that fortifications were absolutely necessary; and that, of all modes of fortification, that, suggested by the master general of the ordnance, was the most eligible, as being the most adequate to the defence proposed, capable of being manned by the smallest force, requiring the least expence to erect, and particularly as yielding an increasing degree of security in the course of erection. It would, therefore, be the grossest inconsis-

tency, were the house, after having referred the various branches of the detail of the inquiry to the board of officers, to re-assume that duty, which it had already declined, as being out of its reach, and act in opposition to their report. 1786.

To that part of the report, which asserted the necessity of these fortifications, two provisos were indeed annexed; first, that we should be able to bear the expence of erecting them; secondly, that we should be able to furnish a force sufficient to man them, when erected.

With regard to the expence of building the works, he flattered himself, that his sentiments and ideas on the subject of the finances of the country, formed a prominent part of his political character. He hoped, that he had not shewn himself remiss in any endeavors, which would probably tend to raise the revenue from that deplorable state to which it was depressed, by the melancholy process of the late war. It was too well known, how much his feelings were engaged, not only by the duty of his station, and by attachment to his country, but by considerations of his own reputation, which was deeply committed in the question, to exert every nerve, to arm all his vigilance, and to concenter all his efforts towards that great

CHAP. VII. 1786.

object, by which alone the present generation could have a prospect of transmitting to their posterity, that ease and comfort, which they themselves had felt the want of—an efficient sinking fund, for the liquidation of the national debt; to accomplish which, was the first wish of his heart, and that, as well by every means of prudent, well-regulated economy, as by a rigid collection of the revenue. But was he to be seduced by the plausible and popular name of economy—he would not only say plausible and popular, he would rather say, the sacred name of economy—to forego the reality; and, for the sake of adding a few hundred thousand pounds more to the sinking fund, perhaps render for ever abortive the sinking fund itself? Every saving, which could, consistently with the national safety, be made, he pledged himself to make; but he would never consent to starve the public service, or to withhold those supplies, without which the nation must be endangered. The relieving, by all such means as his duty would suffer him to adopt, the burdens of the people, and removing that load of debt by which they were oppressed, was the grand and ultimate end of his desire; it was the pedestal on which he would wish to raise a column, which should support whatever pretensions he might have

to reputation and popularity; but let it be well considered, how far the objects of necessary defence and of public economy could be reconciled; and let the bounds which divide them not be transgressed. Let it be well weighed, what a strong security for a lasting peace there was in a powerful and defensible situation; and how likely weakness and improvidence were to be the forerunners of war. But, should a war happen, where would be economy? What would become of the sinking fund? The very expences of one year's loan would amount to more than the whole of those fortifications which might have secured us peace, because they would have destroyed, or at least materially diminished, all hope of success in an attack. In this point of view, as the means of preventing war, he should conceive, that the first million which should be applied as the foundation of the sinking fund, would not be better applied than a million of money for the fortifications; not that a million would prove necessary, but he chose to state the expence as high as any other gentleman, let his talents for exaggeration be what they might, could possibly carry it.

With regard to our being able to man the fortifications when erected, that point was decided by papers laid upon the table, in con-

CHAP. VII. 1786.

sequence of motions made by the enemies of the measure. It appeared from those authentic documents, that in 1779 there were 16,000 men, and in 1782 by a progressive increase 21,500, stationed in cantonments within reach of Portsmouth and Plymouth; and as our then extensive dominions were now much diminished, and of course there would hereafter be less occasion for sending soldiers out of Great Britain, there could be no difficulty, in case of invasion in a future war, in furnishing sufficient garrisons for the proposed works. It was indeed scarcely possible to imagine, that the country could not supply 22,000 troops, the number stated to be necessary, for so important a service as the defence of our principal dock-yards.

A few dissents of the board of officers, had been entered to particular parts of the report; but only one officer, a captain in the navy*, had expressed an opinion that no new fortifications were necessary, and his opinion was confined to Plymouth. Mr. Pitt examined the grounds and substance of those dissents, and shewed that they deserved no weight, as far as the general expediency of the plan was concerned.

It had been objected, that the instructions

* Captain Macbride.

given to the board of officers, were such as confined them to the necessity of coming to one certain result, by means of the data proposed for their consideration, as being all merely hypothetical, and affording them no latitude for the exercise of their own judgment; to this Mr. Pitt replied, that it was impossible to suppose that such men were duped and deluded unanimously to give an opinion contrary to their own conviction; and that, in fact, the board, according to the discretionary power allowed them, had substituted two new data, instead of the first two, and considerably altered two of the others, for the purpose of rendering them a better foundation for their ultimate decision.

Mr. Pitt combated the position, that the whole system of fortifications was new and unprecedented in this country, by referring to the most incontestable records of history, which proved, that they always made a part of the general defence of England. Even during the reign of king Henry the eighth, there was a provision made by statute for fortifying certain parts of the coast. The same policy was observed by queen Elizabeth, and formed a considerable part of the defence provided by that great and glorious princess against the expected attack of the armada. In the less

CHAP. VII. 1786.

prosperous reigns of the Stuarts, the same system was occasionally continued; and again adopted by our illustrious deliverer, William the third. During the reign of queen Anne, at the time when the victories of the British arms were forming an era in the history of Europe, at which England looks back with pride, and other nations with amazement, did our ancestors think it incompatible with their fame, with their liberty, or with the constitution, to fortify the most vulnerable parts of their coasts, as it was now proposed to do? On the contrary, there was a resolution of the commons, not even at the desire of the crown, laying down the necessity of fortifying the dock-yards against any possible invasion; and the sum then voted for the execution of plans made in the time of king William, was greater than that now required, allowance being made for the difference in the value of money. To come down to a later period, a period to which it might be supposed he was somewhat partial, the last war—the last war! would to heaven he could call it the last war—not indeed the last, but the last on which Britons could reflect without either a sigh or a blush—the war of contrast with the last—the war, in which the name of Britain was exalted above the highest and the proudest of nations, by successes as

stupendous, and conquests as glorious, as our late miscarriages and defeats had been calamitous and disgraceful. What was the policy of the administration of that day? That it was exactly similar to what was now recommended, he proved by reading extracts from laws then passed for that purpose. "Thus," continued he, "it appears, that in the very best days of this country, the system of fortifications was uniformly practised and encouraged. But even in a much later period, during the administration of the right honorable gentleman opposite, (Mr. Fox) the very identical system of fortifications now under discussion, was considered, and an estimate for carrying it into effect, actually presented to the house. I suppose the right honorable gentleman will be prepared to give his reasons for that change of opinion, which, it is to be feared, he intends on the present occasion to avow."

As to the necessity suggested, as likely to ensue from this measure, of augmenting the standing army, nothing could, he said, be more void of foundation. It had been unanimously reported by the board of officers, that the plan of fortifications proposed, was the best calculated for the defence of the dock-yards, which could be devised, and that it required but a moderate force. Would any person then con-

CHAP. VII. 1786.

tend, that a certain number of troops, independent of fortifications, would be able to defend a place better than the same number assisted with the best possible fortifications? Such an idea was too absurd to be argued against; and yet, in fact, it was the only idea on which that ground of opposition could be maintained. Should we, in case of invasion, trust solely to our standing army, there would then indeed be a necessity of augmenting, to a most enormous degree, that army, on which the whole safety of the kingdom was to rest. Was this the way to vindicate and secure our liberties? If we did not keep up such an army, we should be under the necessity of recurring to foreign assistance—perhaps to the protection of mercenaries, bribed by our money, and who, when we had no longer occasion for their services, would prove ready to turn their arms against ourselves. Was it less desirable for us to be defended by the walls of Portsmouth and Plymouth, garrisoned by our own militia, than to purchase the protection of Hessian hirelings?

There was also another part of the subject, which ought to have the greatest weight of all, and that was, that these fortifications, being calculated to afford complete security to the dock-yards, would enable our whole fleet to go

upon remote services, and carry on the operations of war at a distance, without exposing the materials for future navies, to the danger of destruction by the invasion of an enemy. It had been insinuated, that the second datum in his majesty's instructions, had been inserted to draw forth an acquiescence from the board of officers, upon an unreasonable supposition of the fleet being absent for an improbable time. He believed, there were few gentlemen, who could forget, that at no very distant period, even since he had the honor of a place in his majesty's councils, the fleet had been absent for a time nearly equal to that supposed in the datum, upon a service, which this country could not have dispensed with, without sacrificing the most brilliant success, which attended us in the late war; a success of such lustre, as to spread an irradiation over the more gloomy scenes in which we had been involved. Had we been then in fear of an attack upon our coasts, which, from reasons not proper to be mentioned, we happened not to be, Gibraltar, and the renown of defending it, must have been for ever lost. But it was not only by foreign expeditions that we might be deprived of the aid of our fleet in case of an invasion; it might so happen, that our fleet, though in the Channel, might be prevented by

CHAP. VII. 1786.

contrary winds, tides, or other contingencies, from arriving to the assistance and relief of our dock-yards. What would then prove the situation of this country? The enemy might in one day*, in one hour, do an irreparable injury, and give a mortal stab to the very spring and vital principle of our national vigor; might effectually destroy the seeds of that navy, from which alone we had to hope for commerce, for safety, and for glory. On the whole, he really thought the present rather a question to be considered as connected with our naval establishment, than with that of either our army or ordnance; as it was calculated to give liberty to our fleet, which had hitherto been confined occasionally to our coasts, and, as it were, to the defence of our dock-yards. Were it to be asked, why the sum required for these fortifications had not been demanded for strengthening the navy, he should answer

* Towards the close of the American war, our two great naval arsenals were in a state so entirely unprotected, when the combined fleets of France and Spain were in the mouth of the channel, that the commissioner at Plymouth wrote to the admiralty, that if any force should be landed, the dock-yard must infallibly be burnt; and at Portsmouth, the panic was so great, that an immense chain was provided at the sally port, ready to be drawn across the mouth of the harbor, to the block house, on the Gosport side; the marks for entering the harbor were thrown down; and the buoys placed over the sands were taken away.

fairly, that he thought the same sum, laid out upon the fleet, would by no means afford a strength equal to that which would be derived from the fortifications. The money, which would be sufficient to accomplish these works, would not build so many ships as would answer for the defence of those invaluable harbors of Portsmouth and Plymouth. There was, besides, a certain degree, beyond which the navy of this country could not go; there was a certain number of ships, beyond which they could neither build nor man any more: what that limit was, he could not, nor would it be proper for him to, point out; yet, necessarily, such a limit must exist, in the nature of things: but there never could be any line drawn to limit the security, which we ought to provide for our dock-yards.

In this manner did Mr. Pitt show, upon the authority of eminent professional men, that fortifications were absolutely necessary for the preservation and security of our dock-yards; that the proposed plan was the best which could be devised for accomplishing this desirable object; that its execution would not be attended with any unreasonable expence, when compared with its importance; that in its principle it was consistent with the practice of former times; that it would tend to diminish

CHAP. VII. 1786.

rather than to increase our standing army; and that it would leave our fleet at liberty to carry on offensive war at a distance from our own coast.

But these arguments, though enforced with all his powers of eloquence, were not sufficient to overcome the prejudices conceived against fortifications. It was still maintained, that the plan was of a dangerous and unconstitutional tendency, without being effectual, and that Englishmen ought to look to their navy for safety and protection; and Mr. Sheridan, whose speech upon this occasion was greatly admired for its ingenuity, contended, that these unassailable fortresses might, in the hands of an ambitious and ill-advised king, be made the engines for subverting the liberties of the people; and that soldiers, detached from their fellow-subjects, and shut up in garrisons and forts, would be more likely to support such an attempt, than if they had been living scattered and entangled in all the common duties and connexions of their countrymen, and thus preserving the character of citizens. Upon a division, the numbers were precisely equal, 169 on each side; and the speaker (Mr. Cornwall) gave his casting vote against the resolution, which put an end to the business. Mr. Pitt greatly lamented this failure,

being decidedly of opinion, that the fortifications might in the event of war, have proved of essential service to the nation. 1786.

THE next subject to which I am to call the attention of my readers, is, Mr. Pitt's plan for the redemption of the national debt, the greatest and most important measure of finance ever adopted in this or in any other country; which alone would be sufficient to immortalize the name of its wise and provident author, and entitle him to the warmest gratitude of the present and all succeeding generations.

Prior to the revolution, the public debts were considered as the personal obligations of the sovereign; but they were sometimes discharged by grants made by parliament. The earliest instance of this kind, which occurs in our history, was in the reign of Hen. 3. The kings of England frequently borrowed money, for public purposes, upon their private security, both from their own subjects, and from foreigners; and in many cases, they discharged the debts of their predecessors, though they were not bound so to do. Hen. 3, Edw. 3, & Hen. 5, were all in such pecuniary distress, that they were under the necessity of pawning the royal jewels, and even the crown itself.

CHAP. VII. 1786.

The first attempt to raise money upon parliamentary security, was in the reign of Ric. 2; and it failed, though the sum required was only 60,000*l.* intended to be employed in the invasion of France. In subsequent reigns, money was borrowed upon the security of subsidies granted by parliament, which was repaid when the subsidies were received.

The practice of funding, that is, of borrowing money upon national credit and creating transferable stock, bearing a certain annual interest, arose out of the peculiar manners and circumstances of modern Europe, and was first resorted to by some of the minor states upon the continent. It was introduced into England very soon after the revolution, and has since been progressively carried, by our government, to a most astonishing extent. The annuities granted, when money was borrowed, were at first for a limited number of years, or for lives, and consequently the interest was at a high rate; but it soon happened, that these temporary annuities were made perpetual, upon the creditors or stockholders advancing additional sums; which led to the grant at once of perpetual annuities, the first instance of which was in 1695*. In

* The first exchequer bills were issued in 1696, during the re-coinage, on account of the bad state of the silver coin.

the same manner the taxes, imposed as a security for the payment of the annuities belonging to these respective loans, were at first temporary, and afterwards perpetual. A distinct account was kept of each loan, and of its taxes; and when the taxes produced more than was sufficient for the payment of the interest of the loan, the overplus was generally, though not invariably, employed in reducing the principal of that particular loan. As loans and taxes multiplied, these separate funds were found extremely inconvenient; and in the beginning of the reign of Geo. 1, they were all combined into three, called the aggregate fund, the general fund, and the South Sea fund. To these respective funds the produce of certain taxes and duties was to be carried, and from them the interest of certain parts of the debt, and other specified charges, were to be paid. In 1716, the year in which the two last of the above funds were established, a fourth fund was formed, consisting of the surplusses of those three funds, after satisfying all the demands upon them; and it was called the sinking fund, because it was appropriated to the discharge of the principal of the national debt, incurred before the 25th of December 1716; and as the act expressed, "to and for none other use, intent, or purpose whatsoever."

CHAP. VII. 1786.

Similar words were used in an act upon the same subject, in 1718; and the improvement and inviolable application of this fund were not only recommended in several of the king's speeches in subsequent years, and promised in the addresses of the house of commons, but money was actually borrowed several times for the public service upon new taxes, rather than that any encroachment should be made upon the sinking fund. Unfortunately this scrupulous attention did not continue. It is a most remarkable fact, that, notwithstanding all the pledges and engagements which have been mentioned, the sinking fund was afterwards repeatedly diverted from its original destination, even in time of peace as well as of war, by the very minister* who established it, both by charging it with the interest of new loans, and by taking from it large sums for the annual public expenditure. The first instance of this kind was in 1728-9, when this fund was charged with the payment of the interest of 1,250,000*l.* raised for the service of the current year. The second, was of a similar nature, in 1731; and the third, was by taking 500,000*l.* from it for the service of 1733, that the land-tax might be kept at one shilling in the pound, to conciliate the country gentlemen.

* Sir Robert Walpole.

This example of sir Robert Walpole was followed by his successors in office, and gradually carried farther and farther, so that at last it became the constant practice to apply the whole of the sinking fund, as part of the ways and means of the year: the consequence of which was, that, when Mr. Pitt was placed at the head of the treasury, there was not only no efficient sinking fund for the reduction of the national debt, then grown to an enormous amount; but the whole produce of the permanent taxes was considerably less than the interest of the debt and other fixed charges upon the revenue, exclusive of all the necessary annual expences, amounting to several millions, for which there was only the very inadequate provision of the land and malt taxes. This alienation of the sinking fund was the more to be lamented, because, though at first it amounted to only about half a million, it was, soon after its establishment, and again at subsequent periods, greatly increased, in consequence of the progressive reduction of the interest of the national debt. In 1717, this interest was reduced from 6 to 5 per cent; in 1727, from 5 to 4 per cent; in 1750, from 4 to 3½ per cent; and in 1755 and 1757, from 3½ to 3 per cent, since which time there has been no reduction. These successive reduc-

CHAP. VII. 1786.

tions of the interest of the national debt proportionally diminished the charge upon the three funds, and of course increased those surplusses, which constituted the nominal sinking fund of that day. Had that fund, thus augmented, been really applied to the gradual liquidation of the debt, its operation must have been effectual, and highly advantageous to the country.

At the peace of Ryswick in 1697, the national debt amounted to 21½ millions, of which 5 millions were paid off in the four following years of peace; and, consequently, when the succession war broke out in 1701, the debt was about 16½ millions. That war increased the debt to 54½ millions; and in the long period between 1713 and 1740, in which there were only three years of war, there was a reduction of only 7½ millions. At the peace of Aix-la-Chapelle in 1748, the national debt amounted to 78 millions, of which only 3¾ millions had been discharged when the seven years war began in 1755. At the end of that war in 1762, the national debt amounted to 146½ millions, of which 10½ millions had been discharged, when the American war commenced in 1776. At the beginning of 1786, after all the expences of the American war were funded, the national debt amounted to

239 millions, exclusive of two millions of loyalists debentures.

From this summary statement it appears, that the increase of the national debt was very rapid in time of war, and its diminution very slow in time of peace, 200 millions of debt having been incurred in 25 years of war, and less than 22 millions paid off in 45 years of peace, from the first establishment of the sinking fund in 1716 to 1786. Its enormous amount at the end of the American war, was the subject of great anxiety and alarm. "The national debt," said the commissioners of public accounts, "is swelled to a magnitude that requires the united efforts of the ablest heads, and the purest hearts, to suggest the proper and effectual means of reduction. A plan must be formed for the reduction of this debt, and that without delay. Now is the favorable moment of peace. The evil does not admit of procrastination, palliation, or expedients. It presses on, and must be met with force and firmness: what *can* be done, the support of public credit, the preservation of national honor, and the justice due to the public creditor, demand, *should* be done. It must be done, or serious consequences will ensue!" The general impression was, that the funding system could not be carried beyond a certain

CHAP. VII. 1786.

point; and many persons were apprehensive, that we had already approached very near to that limit, the transgression of which threatened the nation with all the untried evils of public bankruptcy. How soon another war might call for new loans, no one could foresee; but all were aware, that to suffer the debt to remain in its present state, would be to invite aggression. It was therefore universally agreed, that the immediate establishment of some plan for its gradual reduction was essential to the peace and welfare of the country; and the means by which that desirable purpose might be best accomplished, had long occupied the thoughts of speculative men.

Mr. Pitt having announced his design of submitting to parliament a proposal upon this subject, received an almost incredible number of schemes and projects, most of which were so visionary as not to deserve a moment's consideration; but others were of a nature, and came from quarters, which entitled them to serious attention. In a few instances, the principles upon which they were founded, at first appeared specious and plausible; but upon a closer examination it was discovered, that they were impracticable, or, if carried into execution, would probably lead to disappointment and mischief: they promised

advantage, but rested upon hypothetical cases, which, in the judgment of practical experienced men, could not be expected really to exist. After weighing every suggestion of others, to which any regard was due, and maturely and anxiously reflecting upon every idea which occurred to his own fertile mind, he was convinced, that no mode would be so effectual, or so little liable to danger or objection, as the simple plan of purchasing stock at the market price on behalf of the public, accompanied with the strongest provisions and guards which could be devised, to render the fund so applied unalienable, and to secure its increase at compound interest *.

* Among other fanciful schemes of theoretical men, Mr. Pitt rejected the specious but delusive projects, of converting low into high stocks. It is easy for a speculative man, sitting in his closet, to invent a plan of this sort, which would be advantageous to the public; but he forgets, that the stockholder will never consent to it—a fatal blow to his ingenuity and patriotism; and such a man is apt enough to complain, that his plan has not been adopted. In Mr. Pitt's plan, the consent of the stockholder is not required any farther than as he wishes to sell his stock; and it is well known, that there are always large quantities of stock in the market for sale. It should be remembered, that the guards and provisions, by which the fund was rendered unalienable, and its increase at compound interest secured, constitute the peculiar and valuable part of Mr. Pitt's system, and were never before attempted by any minister. His grand merit, however, with respect to the point now under consideration,

CHA. VII. 1786.

Having come to this determination, as a preparatory step, and with a view to give full and complete satisfaction both to parliament and to the nation, upon a point of such great and general concern, he laid before the house a variety of accounts, and then moved that they should be referred to the consideration of a select committee, who were to examine them, and to report to the house, what might be expected to be the amount of the future annual income and expenditure of the country. Mr. Fox approved this mode of proceeding, and observed, that whenever papers, complicated and various as those in question must necessarily be, required investigation and arrangement, before they could be applied to any practical use, it was always proper to refer them to a select committee. The motion was unanimously agreed to; and the committee thus appointed, consisted of nine persons, of whom Mr. W. Grenville was chosen chairman.

was, first, the having raised the income of the country to such a height, as to leave a surplus of a million for the reduction of its debt; and secondly, his inviolable adherence to the application of that sum, with all its accruing additions, during the unexampled pressure of a long and expensive war, in which our very existence as an independent nation was at stake; a conduct directly contrary to that of all his predecessors in office, since the establishment of the former sinking fund, and which probably saved this country from becoming a province of France.

They made their report on the 21st of March; and on the 29th Mr. Pitt brought the business forward in a luminous and comprehensive speech, in which he not only explained his plan for the redemption of the national debt, but proposed the additional taxes necessary to raise the national income to the required amount; and also stated the supplies, and ways and means of the present year, subjects which could not indeed be well separated.

"The object," said Mr. Pitt on that day, "which I have to refer to this committee, is, to consider of the means of decreasing the national debt. To attempt to recommend this purpose by any words, would surely be superfluous. The situation of this country, loaded with an enormous debt, to pay the interest of which, every nerve has been stretched, and every resource nearly drained, carries with it a stronger recommendation than any arguments I could possibly adduce. That something should be done to relieve the nation from the pressure of so heavy a load, is indeed very generally acknowledged, and I trust, that in this house there is only one feeling on the subject. To you do the people turn their eyes, justly expecting, that from the trust you hold, you will think it your duty, to make the most serious efforts, in order to afford them

CHAP. VII. 1786.

the long wished for prospect, of being relieved from an endless accumulation of taxes, under the burden of which they are ready to sink. Upon the deliberations of this day do they place all their hopes of a full return of prosperity, and that public security, which will give confidence and vigor to those exertions in trade and commerce, upon which the florishing state of the country depends. Not only this house, and the public, but other nations look to the business of this day; for by the establishment of what is now proposed, our rank will be decided among the powers of Europe. To behold this country emerging from a most unfortunate war, which added such an accumulation to a debt before immense, that it was the belief of surrounding nations, and of many among ourselves, that our powers must fail us, and that we should not be able to bear up under it—to behold this nation, instead of despairing at its alarming condition, looking its situation boldly in the face, and establishing upon a spirited and permanent plan, the means of relieving itself from all its incumbrances, must give such an idea of our resources and of our spirit of exertion, as will astonish the nations around us, and enable us to regain that pre-eminence, to which we are, on many accounts, so justly

entitled. The propriety and necessity of adopting a plan for this purpose, are not only universally allowed, but it is also admitted, that immediate steps ought to be taken in this important business. And I am persuaded, that whatever difference of opinion we may have in this house upon political points, all parties will concur in thinking, that effectual provision should this day be made to reduce the debt of the nation.

" The chief object then before the house, is, not whether the recommendation in his majesty's speech, should be complied with; nor even is it a matter of dispute, what sum ought to be allotted for this purpose: for it seems agreed, by common consent of all, that one million annually ought to be appropriated to the gradual liquidation of the national debt.

" The great points which we have to consider, are, in the first place, what measures ought to be taken to acquire this million; and, secondly, what is the way of applying it.

" I must here congratulate the nation upon the arrival of the day, when all despondency and gloomy fear may be laid aside, and our prospects are brightened with joy and hope. With how much pleasure am I able to announce, that a million can be obtained without

CHAP. VII. 1786.

laying any new heavy burdens upon the people! This is beyond the hopes of any man, and is indeed a subject of the greatest rejoicing to every friend of his country.

"In order to be acquainted with our real situation, and to see what we have and what we want, I mean to state the annual income and the annual expenditure of the nation, as the ground upon which we are to proceed with regard to the object before us."

Mr. Pitt then informed the house, that the income of the country, as calculated by the select committee, for the year ending at the preceding Michaelmas, amounted to 15,379,182*l.* and for the year ending at Christmas, to 15,397,471*l.* the difference between which sums was less than 20,000*l.*; and after enumerating the particulars of which the public income consisted, he proceeded thus: "From the reasoning contained in the report, we have ground to conclude, that this florishing condition of our revenue will continue. It is more than would have been thought possible, that within a single year such an improvement should take place. The improvement, however, has not been confined to one year; it has been uniform, ever since the happy era of the restoration of peace. The increase was slow at first, but constant; and

the more rapid progress of the last year, shews from most satisfactory experience, that we have no reason to fear its being stationary, or becoming retrograde.

" A great part of the prosperous appearance which commerce has put on, and the great influx into the exchequer, have been owing to the regulations adopted for crushing clandestine traffic, although at present they have not had their full operation; because, as large capitals were employed in smuggling, the occupation will subsist for a time, even after it is become a losing trade. The success of the late measures, incontrovertibly proved by the increased produce of the customs, gives room to hope, that farther great and essential advantages may arise from wholesome regulations with regard to other articles of illicit traffic, which will open permanent sources of income, by making trade return into its natural channel. The frauds still committed upon the revenue, are more numerous and more detrimental than any one, not conversant in subjects of this kind, can imagine; and I have it in contemplation to submit to parliament, plans for the correction of those evils in the different branches of trade and commerce, particularly in wines, spirits, tobacco, and salt. It is also my intention, in the next

CHAP. VII. 1786.

session, to propose the consolidation of the customs, which cannot fail to be beneficial to the revenue.

"Having thus represented every thing in the fairest and most correct manner in my power, to enable you to form a just view of the real and probable sources of our national income, I shall now act upon the idea, that this is a true statement of the revenue, which has been laid upon your table by the committee; and that we may expect, with as much certainty as can attend any thing of this kind, that we shall enjoy an increasing revenue of 15,397,000*l.* per annum.

"The next subject of our discussion is, what may be expected to be the annual expenditure of the nation. This the committee have also calculated, and it amounts to 14,478,000*l.*: deducting therefore the annual expenditure from the annual income, there is left a surplus of about 900,000*l.*

"This then is the sum which remains to be applied to the diminution of the national debt: but as the fund for that purpose ought to be a million annually, I shall move in this committee such taxes as will produce 100,000*l.* a year; and I am happy to repeat, that this sum may be raised without any material pressure upon the public." He then informed the com-

mittee, that he should propose an additional duty upon spirits, a modification of the existing tax upon foreign timber*, which would make it more productive, and taxes upon perfumery and hair powder. These taxes, which could not be oppressive to any description of persons, would complete the required million; to which he intended to add such temporary annuities, both for years and lives, as should fall in from time to time.

"It ought to be observed," he proceeded to state, "that though 14,478,000*l.* is calculated to be the annual expenditure, some time must

* This modification as at first intended, gave offence in Russia, from whence a considerable quantity of timber was imported into this kingdom, and a complaint was made in a dispatch from Petersburgh to Count Woronzow, the Russian minister at our court, with some severe reflections upon Mr. Pitt, for proposing a measure affecting the trade with Russia, while a commercial treaty between the two countries was depending. Count Woronzow, in his reply, said, "Permettez moi de defendre Mr. Pitt que vous accusez d'avoir été dans cette affaire rien qu'un financier impolitique: Il a été induit en erreur par la nomination de ces marchandises qui s'appellent ici par le nom general de planches, poutres, et battens de Norvége; mais dès qu'il a vu que cela affectoit le commerce de Russie, il a d'abord remedié à la chose, quoiqu'elle fut dejà presentée et approuvée par la chambre des communes. Vous voyez donc qu'il a été plus politique et homme d'etat, que simple financier: Il a agi dans cette affaire, comme dans tout ce qu'il fait, avec une franchise et une celerité qui lui est propre. Je ne puis assez me louer de ce ministre: Je le vois peu, parce qu'il est accablé d'affaires, et je ne connois pas comment il peut y suffire.

CHAP. VII. 1786.

intervene, before the expenditure can be reduced to that sum. We are to remember, that we have only just emerged from the most ruinous and expensive war, in which this country was ever engaged. Many of the heavy burdens we incurred during that war, did not end with the conclusion of it, but still continue, and must be expected to continue to hang upon us some time longer. It would, however, be unfair and unwise to consider them as forming part of our annual expenditure, as they must cease altogether in a short time." He here entered into a detail of the extraordinary expences he alluded to, which were principally the completion of ships already begun to be built, arrears on account of the army, and compensation to American sufferers; and stated them as likely to amount to three millions in the next four years: but he said, that it would not be necessary to make any provision for these expences, because extraordinary resources, such as lotteries, army savings, and balance from the East India company, would arise in the same period, fully sufficient to answer the expected demand. If, however, those resources should fail, and it should prove hereafter necessary to fund the whole of the three millions, there could be no doubt but the income of the country, improved, as he trusted

it would be, by the farther prevention of frauds, would be able to bear the additional charge without any new taxes.

"I may therefore," continued he, "be justified in considering the revenue, as hereafter affording a surplus of a million a year. But before I enter upon that part of the discussion which relates to the particular mode of applying this annual sum, it will be proper to consider the effect it will have. If this million, to be so applied, be laid out, with its growing interest, it will amount to a very great sum in a period, which is not very long in the life of an individual, and but an hour in the existence of a great nation. In a period of 28 years, the sum of a million, annually improved at compound interest, would amount to four millions per annum*. But care must be taken that this fund be not broken in upon: this has hitherto been the bane of this country; for if the original sinking fund† had been properly preserved, it is easy to be proved, that our debts

* This supposed interest at 5 per cent.

† The original sinking fund was not a definite sum: but supposing that it had been only half a million a year, and that it had been uninterruptedly employed in the purchase of 3 per cents, at 75, in 70 years, that is, from its first establishment in 1716 to 1786, the time Mr. Pitt was speaking, it would have redeemed 242 millions; and, if the 3 per cents had been at par, it would have redeemed 115 millions.

CHAP. VII. 1786.

at this moment would not have been very burdensome: this has hitherto been in vain endeavored to be prevented by acts of parliament: the minister has uniformly, when it suited his convenience, gotten hold of this sum, which ought to have been regarded as most sacred. What then is the way of preventing this? The plan I mean to propose is, that this sum be vested in certain commissioners, to be by them applied quarterly to buy up stock, by which means no great sum will ever lie ready to be seized upon on any occasion, and the fund will go on without interruption, till it becomes four millions a year, by which time it will have liquidated 100 millions of three per cents; and I propose, that the parliament of that day should decide, whether the fund should still continue to increase at compound interest. Long, very long, has this country struggled under its heavy load, without any prospect of relief; but it may now look forward to an object, upon which its very existence depends: it is, therefore, proper it should be fortified as much as possible against alienation. By this manner of paying the money quarterly into the hands of commissioners, who will be required to lay out an equal sum on every transfer day in the quarter, it will be impossible to take it by stealth; and the advantage will be too fully

experienced ever to suffer a public act for that purpose. A minister could not have the confidence to come to this house, and desire the repeal of so beneficial a law, tending directly to relieve the people from their burdens.

"The persons appointed to the trust should be of rank and distinction, to secure them from suspicion; and to give, as far as character can go, a belief of their discharging it with faithfulness. I therefore think it right, that the respectable commoner, whoever he may be, who fills the chair of this house, should be the first commissioner. Parliament, in instituting a commission of so much importance towards the support of national credit and prosperity, could not more solemnly, or more pointedly, promulgate its high sense of the duty to which that commission is bound, than by appointing the first member of this house to be at the head of it. I think also, without ascribing any thing to myself, that the person who holds an office so intimately connected with finance as the chancellor of the exchequer, ought to have a place in this commission. There is another person, who, from his high rank, as well as from his virtues and reputation, I think ought to have a share in this business, and he is also, at present, a member of this house: I mean the master of the rolls.

CHAP. VII. 1786.

The governor and deputy governor of the bank of England ought, I think, also to be of the number. And lastly, the accountant general of the high court of chancery, who, by virtue of his office, is already employed in managing the money of all suitors and wards in the funds, and increasing the capital by the accumulation of compound interest, ought to be a member of this commission.

"I am very far from attributing any merit to myself in suggesting this scheme; but, I cannot but think myself peculiarly happy in having a task to perform so very different from any of my predecessors; and that, instead of expending the money of the public, I should have the great good fortune to be able to propose the diminution of our burdens. This plan, which I have now the honor to bring forward, has long been the wish and hope of all men; and I am proud to flatter myself, that my name may be inscribed upon that firm column now about to be raised to national faith and national prosperity. I shall detain the house very little longer, because I am persuaded, they must be already tired by the tedious detail, into which I have been under the necessity of entering. The time, when the operation of this fund is to begin, should, I think, be the fifth of next July; on that day,

let 250,000*l.* be paid into the hands of the commissioners for this purpose, and afterwards continued quarterly: this will make 750,000*l.* to be expended in the three remaining quarters of the present year; and I shall just mention upon what I found the expectation of a surplus to that amount."

Mr. Pitt then stated the particulars of the supplies, and of the ways and means, of the present year: the former amounted to 12,477,085*l.* and the latter to 13,362,480*l.* leaving a surplus of 885,395*l.* from which might be taken 750,000*l.* for the new sinking fund; and there would then remain in the exchequer 135,395*l.* applicable to the service of the succeeding year.

Mr. Pitt concluded by moving a resolution, directing the issue of a million per annum, to be vested in commissioners, and by them applied to the reduction of the national debt.

Mr. Fox observed, that Mr. Pitt's elaborate and far-extended speech*, while it reminded

* Mr. Pitt passed the morning of this day in providing the calculations which he had to state, and in examining the resolutions which he had to move; and at last he said that he would go and take a short walk by himself, that he might arrange in his mind what he had to say in the house. He returned in a quarter of an hour, and told me he believed he was prepared. After dressing himself, he ordered dinner to be sent up; and learning at that moment that his sister, (who was then living in the house with him,) and a

CHAP. VII. 1786.

him, how much time had elapsed, suggested also the conviction of the impropriety of his trespassing, at the present advanced hour, too long upon the attention of the committee. But, in the outset of what he had to say, he begged leave to declare, that no man in existence was, or ever had been, a greater friend to the principle of a sinking fund, than he was, and had ever shewn himself, from the first moment of his political life; and that he agreed most perfectly with Mr. Pitt, in his general ideas of the necessity of such a measure. After asserting, that Mr. Pitt ought to have founded his calculations upon the average produce of the revenue for several years, and not upon the produce of the last year only, he said, that there were two parts of the plan, which he disapproved: the one, making the sum appropriated unalienable in time of war; the other, making the obligation to pay off the debt, general, and not pledging or binding it closer. He pointed out various

lady with her, were going to dine at the same early hour, he desired that their dinner might be sent up with his, and that they might dine together. He passed nearly an hour with these ladies, and several friends who called in their way to the house, talking with his usual liveliness and gaiety as if having nothing upon his mind: he then went immediately to the house of commons, and made this "elaborate and far-extended speech," as Mr. Fox called it, without one omission or error.

disadvantages, which, in his opinion, might result from tying up the sum in time of war; and contended, that, as the commission, and the object of its institution, were not bound down to any specific point, both were liable to be annihilated by a future parliament. He reminded the house of the mode of the original establishment of a plan for paying off part of the national debt, which had been by a subscription of individuals, to whom the faith of parliament was pledged to pay off certain specific portions at stated periods. He dwelt on the difference between the two modes; observing, that when the nation, or when parliament, stood bound to individuals, the pledge was held as sacred as the pledge to pay the interest of the national debt at present, or the annuities now payable; and undoubtedly, nothing short of a national bankruptcy would prevent the payment of the sums engaged to be paid to individual subscribers; whereas, upon the conditions on which the proposed commission would stand, what should hinder a future minister, in a future war, when the exigency of affairs might require additional burdens to be imposed on the subject, from coming down to that house, and proposing a bill to repeal the act authorizing the institution of the commission, and to enable government to apply all

CHAP. VII. 1786.

the money and stock in their hands to the public service? What should hinder the house from agreeing to the proposition? or was it at all likely, that, under the exigency of the moment, they would not immediately agree to it, when so much money could be easily got at, and when they could so readily avoid the odious and unpleasant task of imposing new taxes on themselves and their constituents? From the various guards, which the right honorable gentleman intended to put upon the commission, it was obvious, that he saw the suspicions and dangers to which it would be liable; and therefore Mr. Fox declared, the more guards put upon it the better.

Mr. Pitt replied, that the numerous taxes which had been lately imposed, and the recent regulations which had been adopted for the improvement of the revenue, would make it very improper to have recourse to an average produce of several years; and that he had every reason to believe, that the principles, upon which the select committee and himself had estimated the future annual income of the country, would not disappoint the expectations they had formed. He hoped, the right honorable gentleman would not consider it as any offence, if he declared, that the idea of paying off a part of the debt by a subscrip-

tion of individuals, had been suggested to him by many others, and that he himself approved the principle, but declined adopting it, on account of certain inconveniencies, to which it was liable. With regard to preserving the fund unalienable, it was the essence of the plan to keep it sacred, and untouched, and most particularly so, in time of war. He must contend, that to suffer the fund at any time, or on any pretence, to be diverted from its proper object, would be to defeat, overturn, and ruin the whole of his plan. He trusted, therefore, that when the bill, which he should introduce, should have passed into a law, the house would hold itself solemnly pledged, not to listen to a proposal for its repeal, or for any alteration in its material provisions, on any ground whatever. It was, however, absolutely impossible, he acknowledged, for the present parliament to pass an act upon this or upon any other subject, which should not be liable to repeal or alteration by a future parliament.

In the course of his speech, Mr. Fox had remarked, that however difficult the house might think the subject, and therefore be loth to listen to him *, nothing was more easy;

* The house had been extremely attentive during the whole of Mr. Pitt's speech, occasionally shewing the

CHAP. VII. 1786.

there was not the smallest conjuration in it; and he that ran, might read. This was undesigned praise, and strictly applicable to Mr. Pitt's plan, the great merit of which consisted in being plain, simple, intelligible, and easily carried into execution. It was, moreover, fully competent to the accomplishment of its purpose; it required not, like the sinking fund of 1716, the interposition of parliament from time to time; its execution depended not upon the will, or the vigilance, of the minister of the day, but would proceed uniformly and regularly, without any fresh authority, or any interference of government; the money was to be issued out of the exchequer every quarter, before any other payment was made, except the interest of the national debt; the commissioners were persons on whom the most perfect reliance might be placed, and they were to have as little discretionary power as possible; the beneficial consequences of the plan must necessarily be known and felt by the public, and the mischiefs of departing from it, when once established, could not be concealed or palliated: these were the best securities, and most effectual precautions,

strongest marks of approbation; but became very impatient immediately after he sat down, and continued so even while Mr. Fox was speaking.

which the nature of the thing admitted, and afforded the strongest ground for confidence, that no future chancellor of the exchequer, or member, whether in or out of office, would ever venture to make a direct proposal to parliament, for the repeal of so salutary a law; and an indirect diversion of the fund, by any evasive means, was rendered utterly impracticable. 1786.

These qualities were such obvious and powerful recommendations of the plan, the object of which was universally acknowledged to be of the highest national importance, that no serious opposition was made to the resolution, or afterwards to the bill for carrying it into effect, in any part of its progress through the two houses. On the day fixed for its commitment, Mr. Sheridan moved a variety of resolutions, with the design of shewing, that there was at present no surplus whatever in the income of the country; but Mr. William Grenville pointed out the fallacy of his reasoning; and the resolutions, which were not supported by any one member, were negatived without a division. Never was the admiration of any public measure more warm and general, and never was there fuller confidence in the soundness of the principles upon which it was founded.

CHAP. VII. 1786.

Mr. Fox indeed, on the day Mr. Pitt opened his plan, was so far from indicating a disposition to afford it any support or assistance, that besides expressing his disapprobation of it, in the manner which has been mentioned, he pledged himself to produce a plan on a future day, which should have a preferable claim to the concurrence of the house: this was probably said without much consideration, as he never mentioned the subject again. On the contrary, perceiving the popularity of Mr. Pitt's plan, both in and out of parliament, or convinced, upon reflection, that it was better calculated to be beneficial to the country than any thing he could propose, he soon ceased to throw any obstacle in its way, and at length became so reconciled to it, as to acknowledge, in a late stage of the bill, that his principal objection to the plan, namely, its making the sinking fund unalienable in time of war, would be obviated by a clause, which he then rose to move, empowering the commissioners to accept as much of any new loan, as they should have money in their hands to pay for*. He informed the house, that he

* Sir John Sinclair, in the third edition of his work upon the Public Revenue, says, "that in the first edition, published in the preceding year, he had recommended a provision similar to this clause of Mr. Fox."

had shewn this clause to Mr. Pitt, who approved it; and he added, with great good humour and liberality, that he hoped this agreement between Mr. Pitt and himself, "would be a good precept and example to posterity to follow."

Mr. Pitt declared, that he felt a singular degree of satisfaction in rising to express his hearty concurrence in the motion of the right honorable gentleman; and he declined, he said, at present entering into any discussion of what might have been the grounds of former differences of opinion respecting the bill, while it remained a matter of speculation: it was enough for him, that in carrying the measure into practice, they agreed. He was peculiarly happy to find a motion of this nature come from the right honorable gentleman, because it proved to him, that the idea he had entertained of the right honorable gentleman's opinion on the subject, was an erroneous one. He had, he confessed, imagined, that the right honorable gentleman objected to the principle of making the fund unalienable, on grounds much less liberal and politic, than those on which it now appeared his opinion rested. He joined with the right honorable gentleman in hoping, that posterity would take an example

CHAP. VII. 1786.

from the present moment, and persevere in bringing to perfection what was now begun; and he thought it no inauspicious omen for the ultimate success of the plan, that its propriety and necessity had been so obvious, as to overcome the spirit and prejudice of party, and to create an unanimity and concurrence of sentiment in persons, who, he was sure, more from accident than inclination, were in general of different opinions; and what was still farther remarkable was, that this unanimity was chiefly conspicuous in a part of the business, which, in his judgment, seemed principally calculated to secure permanence and stability to this great and most desirable institution.

The agreement between Mr. Pitt and Mr. Fox upon this occasion, appears to have been highly gratifying to both, and the manner in which they expressed themselves, certainly did them great honor; but it is not a little singular, that the clause, which one of these great men suggested, for the purpose of removing by its operation his chief practical objection to the plan, and the other accepted and applauded as tending to give the plan stability, was, in fact, never acted upon, in any one of the numerous and immensely large loans negotiated by different ministers during the war; and

that it was first resorted to in 1819*, at the time of settled peace—an application of the provision in question, which seems never to have entered into the contemplation of Mr. Fox, or of Mr. Pitt.

Mr. Pulteney also proposed a clause, to which Mr. Pitt readily consented, empowering the commissioners to purchase stock when it should be at or above par, unless they should be otherwise directed by parliament. This case has not at present occurred.

Mr. Dempster, who, though in general an opponent of Mr. Pitt, was a warm friend to this bill, proposed a clause, which, he thought, would make the plan more effective, and give the public creditor additional security. Mr. Pitt was of a different opinion, and the clause was negatived by 109 to 5: this was the only division in either house. Mr. Dempster proposed two other clauses, both of which Mr. Pitt disapproved, and they were rejected.

The bill having passed both houses of parliament without a single dissentient voice, the king, on the 26th of May, went to the house of peers to give the royal assent to it in per-

* This was done under a sort of compulsion, the bank having refused to make the usual advances in favor of the subscribers to the loan.

CHAP. VII. 1786.

son*, when the speaker of the house of commons, upon presenting the bill, made the following speech:

"Most gracious sovereign,

"Your faithful commons have passed a bill, intituled, "An Act for vesting certain sums in commissioners, at the end of every quarter of a year, to be by them applied to the reduction of the national debt;" by which they have manifested their attention to your majesty's recommendation, at the opening of this session, for establishing a fixed plan for the reduction of the national debt.

"By the unanimity which attended the last and most important stage of this bill, they have given the most decisive proof, that they have but one heart and one voice, in the maintenance of the public credit, and prosperity of their country.

"The public credit of the nation, which is the result of just and honorable dealing, is now guarded by an additional security. And the future prosperity of this country will effectually be provided for, when it is considered, that, for the purpose of pleading the cause of

* This was not usual in the middle of a session, and was caused by the importance of the bill.

the continuance of this measure most powerfully with posterity, your faithful commons have, to the justice and good policy of it, added the authority of their own example;—Qui facit, ille jubet.—They have not been discouraged, by the burthens imposed during the last ten years, from submitting in the present time, and in the hour of peace, to new, and the possibility of other, burthens; their object being to attain a situation for their country, more favorable to her defence and glory, in the event of future emergencies.

"A plan so honorable in its principle, and so conducive to the future happiness and safety of the kingdom, must be, in the highest degree, acceptable to the father of his people.—Under that confidence, in the name of all the commons of Great Britain, I tender this bill to your majesty; to which, with all humility, your faithful commons desire your majesty's royal assent."

Thus did Mr. Pitt, who found an annual deficiency of several millions in the revenue, in two years not only raise the income of the country to be equal to its expenditure, but to afford a surplus of a million a year, which he applied, by a plan equally remarkable for its simplicity and efficacy, to the gradual reduction

CHAP. VII. 1786.

of the national debt; a measure of such acknowledged importance and merit, that it extinguished all party animosity, and extorted the approbation and concurrence of the most inveterate opponents of his administration: but, wise and salutary as it was considered at the time, it has been productive of infinitely greater and more extensive benefits, than could possibly have been anticipated by human foresight.

We have seen that Mr. Pitt, in opening his plan for the redemption of the national debt, mentioned the great frauds committed upon the revenue in the article of wine, which paid only a custom-house duty; and signified his intention of very soon submitting to parliament, a proposal upon that subject. On a following day, he stated to the house, that for some time there had been a considerable diminution in the quantity of wine legally imported*, although it was certain, that the quantity actually consumed was increased; but, admitting it to be only equal to what it was 36 years since, the revenue suffered an annual loss of 280,000*l.* This defalcation he attributed to two causes, the importation of

* In the last 15 years, the quantity annually imported had been diminished six or seven thousand tuns.

large quantities of foreign wine without paying the duty, and the sale of a spurious liquor, in which there was little or no genuine wine; the latter of which he looked upon as the principal cause. To remedy these abuses, he proposed to transfer the greater part of the duty upon wines from the customs to the excise; and to make the duty, upon what were called sweets, which were the chief ingredient used in the adulteration of wine, equal to that upon wine. These regulations would be attended with an expense to the public of not more than 12 or 16 thousand pounds a year, a sum not to be put in competition with the benefit expected from them; and they would also occasion an addition of 167 excisemen throughout the kingdom, the appointment of whom, as they would be disqualified from voting at the election of members of parliament, and as their salaries would be very small, could not be complained of as a material increase of the influence of the crown. He observed, that it would not be necessary to make the houses of the wholesale dealers in wine liable to the visits of the excise officers, but only their cellars and warehouses; and the retail dealers were already under the excise laws, as they almost universally sold spirituous liquors.

Mr. Pitt trusted, that in endeavoring to aug-

ment the income of the country, he should have the support of those who considered it as falling short of the expenditure; and in alluding to the clamors formerly produced by attempts to extend the excise system, he expressed a hope, that no gentleman would take advantage of obnoxious names, or worn-out prejudices, to create aversion and excite resistance to a measure, which afforded a prospect of such signal advantage, and for which the situation of the country particularly and powerfully called. He added, that the excise was found by experience to be the most effectual and least expensive method of collecting those parts of the revenue, to which it could with propriety be applied; and that, by increasing the consumption of foreign wines, the demand for British manufactures in exchange would also be increased.

Mr. Fox opposed the bill, exerting all the means in his power to render it unpopular; and the wine merchants in London not only presented a petition against it, to the house of commons*, which was heard by counsel, but they entered into a correspondence with their

* They also offered a petition to the house of lords, but it was rejected, upon the ground, that no precedent could be found of that house having received a petition against a tax bill.

brethren of the trade in the country, for the purpose of obtaining similar petitions from every part of the kingdom; in which, however, they did not succeed. The objections rested upon two grounds, the difficulty of applying the excise laws to wine, and the impolicy and danger of extending those laws beyond their present limits. The former objection was entirely without foundation, as was then asserted, and afterwards proved by experience; and the latter made no impression either upon the public or upon parliament; there being a general conviction, that the state of the revenue required the adoption of every plan which might tend to its improvement; and the principles of taxation and commerce being better understood than they were in the days of Sir Robert Walpole, who in 1733 proposed to put wine and tobacco under the excise laws, but was compelled to abandon his design by the clamor and opposition it excited. After several debates, and no less than six divisions, in which the minority never exceeded 38, the bill passed the house of commons; and in the house of lords, there was only one short debate, and no division. In that debate it was affirmed, that both Mr. Pelham and Mr. Grenville, when at the head of the treasury, had it in contemplation to subject wine to the excise laws; and

CHAP. VII. 1786.

that, after full consideration, they relinquished the idea, from apprehension of the difficulty and odium which would attend the carrying it into execution. In this instance, therefore, Mr. Pitt with great ease succeeded in a measure, in which one of his predecessors, perhaps the ablest of all who had gone before him, entirely failed, and which two others had been afraid to propose, though they were convinced of its expediency.

The next measure proposed by Mr. Pitt, for the prevention of frauds upon the revenue, was, a bill, since known by the name of the manifest act. False accounts of imported goods were frequently given at the custom-house; and it was also very common, for vessels to sail out of harbor with goods, for which bounties and drawbacks had been obtained, under pretence of their being destined for a foreign market, and to re-land them clandestinely upon some part of the coast of England. To prevent these injurious practices, this bill, among other regulations, ordered, that no goods whatever should be imported into Great Britain, till the master of the vessel had delivered to the proper custom-house officer a manifest, stating the place where the goods were laden, and containing a full and correct

account and description of every part of the cargo, verified upon oath; that no vessel should be allowed to sail from any British port, till the master had given bond of 200*l.* that no part of the cargo should be illegally re-landed in Great Britain; and that no goods, entitled to bounty or drawback, should be put on board any vessel for exportation, except by persons duly licenced for that purpose, who should deliver them to the revenue officer, stationed on board the vessel. The bill passed both houses without any difficulty, and produced a most beneficial effect.

Towards the end of the session, Mr. Pitt brought a bill into the house of commons, for appointing commissioners to inquire into the state and condition of the woods, forests, and land revenue, belonging to the crown, and to sell or alienate fee-farm and other unimproveable rents. The object of this bill was, to ascertain whether the crown lands, which at present afforded very little income, could not be rendered more productive, or be disposed of with advantage to the crown, and to the public. It met with scarcely any resistance in the house of commons; but in the house of lords it was opposed, principally upon the ground of the power given to the commis-

CHAP. VII. 1786.

sioners; it was, however, carried by a majority of 28 to 18.

THE sale of tea at the India-house, had, in consequence of the commutation tax, and the different measures taken for the suppression of smuggling, increased from 5½ to 14 millions of pounds, which, with other circumstances, rendered an application to parliament indispensably necessary for an addition to the funds of the company, to enable them to carry on this enlarged trade. A petition for that purpose was presented to the house of commons, on the 25th of May; and it appearing upon inquiry, that the sum wanted was two millions, Mr. Pitt proposed, that it should be raised in the following manner: that the company should be enabled to add 800,000*l.* to the capital of their stock*, which, at the present price, would produce 1,200,000*l.*; and also to sell a surplus of 36,000*l.* a year, received from the exchequer, over and above the annuities they paid to their creditors, which would produce 800,000*l.* The bill, giving these powers to the company, caused several debates in both houses; but the only division was in the house of lords, of 14 to 6, in favour of the measure.

* The present stock of the company was 3,200,000 *l.* and consequently, with this addition, it would be four millions.

It appeared from what Mr. Pitt said in the debate upon the king's speech, that he did not then intend to bring forward any measure in the present session, relative to India; but intelligence and observations soon afterwards received from thence, and a more mature consideration of the subject, suggested several improvements, which might be made in the plan adopted two years before; and therefore a bill for that purpose was prepared and introduced into the house of commons, by Mr. Dundas, president of the board of control, in the middle of March. By the bill of 1784, all measures discussed in council were to be decided by a majority of votes; the governor general, when the members were equally divided, having a casting vote: it was now proposed to authorize the governor general, "in cases of high importance," to act according to his own judgment, although the other three members of the council should differ from him; and it was farther proposed, to enable the directors, whenever they should think it expedient, to unite the offices of governor general and commander in chief in the same person: the object of which regulation was, to prevent the bad effect of divisions in the council, and to give greater energy, vigor, and dispatch to the government in India, by in-

CHAP. VII. 1786.

creasing the power of the governor general. By the bill of 1784, the commander in chief was ex officio a member of the council: it was now proposed to leave it to the directors to appoint the commander in chief, when different from the governor general, a member of the council or not, as they should think proper; since a person might be fit to command an army, without having the necessary qualifications for a member of the council: similar regulations were to take place with respect to Madras and Bombay.—The bill of 1784 directed, that the members of the councils, in the different presidencies, should be appointed from the servants of the company then in India: it was now proposed, that the former or present servants of the company, whether then in India or not, should also be capable of being appointed to seats in the respective councils; and that the governors of the presidencies, in case of a vacancy, by death or otherwise, in their councils, should be empowered to nominate a temporary successor, who should continue till the vacancy should be duly supplied by the directors, instead of the oldest person in the service, as directed by the bill of 1784, succeeding as matter of course, who might or might not be qualified for the situation; but no person was

to be appointed, either permanently or for a time, who had not been 12 years resident in India in the company's service.—By the bill of 1784, the servants of the company were necessarily to rise, in regular gradation, which might obviously, in some cases, be attended with inconvenience: and therefore it was now proposed, that any of the company's servants might be appointed to vacant offices, provided they had been in the service of the company in India a certain number of years, according to the value of the respective offices.—Those parts of the bill of 1784, which required from the servants of the company returning from India a disclosure of all their property upon oath, being extremely disliked and loudly complained of, the repeal of all the clauses relating to that subject was now proposed; and lastly, it was proposed to make several alterations in the court of judicature, and in the mode of trial of persons charged with the commission of crimes and misdemeanors in India.

This bill was strongly objected to by Mr. Fox and Mr. Burke; and at the suggestion of Mr. Sheridan, it was divided into two bills, with a view that the provisions, which related to the government in India, and those which related to the court of judicature and mode of

CHAP. VII. 1786.

trial in England, subjects distinct and not necessarily dependent upon each other, might be separately considered. Upon the first point it was contended, that to authorize the governor general to act without the concurrence of a single member of his council, would be to establish an arbitrary government in our Indian possessions: to which Mr. Dundas replied, that it behoved those, who maintained that opinion, to prove, that arbitrary government depended more upon one person governing, than two; a position, which, he believed, it would not be easy to make out. He had ever considered the governing by known laws, as the preservation and security of all the rights and franchises of subjects; and trial, in all cases of property, by the established judicature of the country, and the free exercise of public and private opinion, moral, political, and religious, as the invariable and undoubted proof of freedom. While these remained, the liberties of the people would surely be as perfectly enjoyed as ever they had been, or were likely to be: this was the real situation of the case in India. The person entrusted with the administration of the country, was indeed invested with more power; but he had, therefore, the greater responsibility. Though in cases of great emergency, he was allowed to

act without the concurrence of his council, yet he had still his council to advise with, and they were always about him, as checks and controls upon his conduct. In fact, the governor could do no more under the proposed clause, than he could have done before, with the concurrence of one member of his council. On this occasion he should beg leave to remind the committee, of the essential difference between a cabinet council and a popular legislative assembly of debate; in the latter, party difference produced variety of opinion and variety of discussion; all of which tended to elucidate what was obscure, to ascertain what was doubtful, and to digest and mature what was crude and unformed. Hence, in proportion as that house debated a question, it became more thoroughly understood; and they all, let them be of what party they might, were better prepared to decide upon it ultimately. The case was widely otherwise in respect to a council of executive government: in such an assembly, the fewer the voices, the less the party feeling; and the greater the unanimity, the better the decision, the more vigorous the execution of the measure decided upon, and the more probable its success. All the mischiefs, and all the misfortunes, which had for years taken place in India, he was satisfied in

CHAP. VII. 1786.

his own mind, after long and attentive inquiry into the affairs of that country, arose entirely from the party principles of the members of the different councils, and the factious scenes, which those councils had almost uniformly presented. The proposed alterations were, therefore, justified upon the grounds of policy and necessity; and he trusted the house would lay out of their minds all prejudice and false coloring, and look at the real question. This being examined with cool impartiality, all ideas must be rejected of what had been so ingeniously described as a ministerial design to establish a despotic government in the East Indies.

Mr. Pitt, in arguing upon the same principles, said, that the responsibility was made more broad and comprehensive, on the part of the governor general, by the fresh powers given him in the bill; and in fact, the very institution of those powers created the additional degree of responsibility, and made it more strongly attach upon his conduct; for it was not an arbitrary power put into his hands, subject to no check or control, which was the true meaning of the term arbitrary power: it was only a discretionary power, to be exercised in cases of great and urgent importance, and that under the most forcible

restraints, and the strongest guards which could be imagined. In the first place, all the consultations on the subject, whatever it might be, on which the governor was to exercise his new authority, were to be recorded; and his reasons for differing in opinion from his council, were also to be entered on the minutes, together with an account of the circumstances, confirmed and sanctioned with the solemnity of an oath, which made him think it necessary to take such a step; and with those were to be contrasted the arguments of each of the dissenting members of the council, which they were required to enter by way of protest, for their own justification; and the whole was to be sent home and to be laid before the court of directors. With respect to the doctrines advanced on the subject of arbitrary power, he felt himself fully justified in contending, that oppression and tyranny did not arise from the number of the persons to whom power was entrusted, but from want of a proper check and control, to which those persons should be liable in the exercise of their authority. To illustrate this, he instanced the British constitution, in which the number of 500 persons in that house, and a considerable number of peers in the other, would not be a sufficient security for the liberties of the

CHAP. VII. 1786.

people, were it not, that the individuals, who composed those assemblies, were a part of that people, and the moment they passed any law, became themselves bound by it, in common with the rest of their fellow-subjects. That house, in particular, was restrained from the exercise of such a power, by the nature of its constitution, being in a great measure, though not so much as he and every other friend to the liberties of the country must wish, elected by the people. But take away those circumstances of representation, however imperfect, in one house, and a community of interest with the rest of the nation in both, and their numbers would afford no security whatever against the exercise of despotic and arbitrary government. Nay, in large bodies greater danger of such strides of despotism was to be apprehended, because in them the responsibility would prove less binding, by being divided among so many persons; whereas, in the present case, being confined to one, it was made an unsurmountable barrier and restraint.

In replying to that part of Mr. Fox's speech, in which he had reproached him with having changed his sentiments upon the subject of the powers, which ought to be vested in the governor general, Mr. Pitt observed, that it

was his singular misfortune, as the views of his opponents made it most instrumental to their purposes, to labor alternately under opposite and contradictory charges: at one time he was accused of a presumptuous and obstinate adherence to his own opinions and proposals, and at another, of a too ready departure from them: of the two faults, the latter was that of which he should the more willingly acknowledge himself to be guilty; for, to sacrifice the interests of his country to the pride of persevering in his own opinions, would indeed be a most flagrant breach of his duty to the public; but to change them, when experience or argument, or a more close investigation, had shewn them to be wrong, was, he should humbly conceive, rather a source of commendation than of censure. In this instance, however, he had not departed from any of his principles, but had, on the contrary, given them a greater force and efficacy in the bill then before the house. He had always entertained an opinion, that the authority of the governor general ought to be put on a different footing from what it had been, as many evils resulted from the parity of power between him and the rest of the council. In the former bill, therefore, his power had been enlarged, by diminishing the number of his

CHAP. VII. 1786.

council*, that so the concurrence of one of its members would prove sufficient to give him a majority, and his casting vote would be more frequently exercised with effect; and in the present bill, the same principle was still adhered to, and farther followed up, by giving him a power, in extraordinary emergencies, but with numberless checks added, to prevent a wanton and corrupt exercise of that power, of superseding, by his single authority, the votes of the rest of the board. Gentlemen had pretended to treat with ridicule, the idea of imposing an oath on the governor general, whenever he should think proper to avail himself of this new-created power. But did such gentlemen really think, or did they feel, that an oath was no restraint; or did they, when they were complaining of the power itself, seriously object to circumscribing it with restraints and limits? It was surely good policy, to guard, as much as possible, against the misconduct of persons entrusted with power, to provide as many restraints as the nature of the service would admit, and to render the wilful commission of any crime or error as difficult as possible.

* By lord North's bill of 1773, the supreme council of Bengal consisted of the governor general, and four other members; and the governor general, to carry any point, must have the concurrence of two other members of the council.

Though the provisions of the other bill were not specifically objected to, the members in opposition took this opportunity of repeating their invectives and complaints against depriving persons, accused of misconduct in India, of a trial by jury, "the unalienable birthright of every English subject;" but their present endeavors to excite dissatisfaction upon this point, were as ineffectual as upon the former occasion. The two bills, after several debates and divisions, in which the majorities were very large, passed both houses of parliament. 1786.

The preparatory steps relative to the impeachment of Mr. Hastings, a proceeding in which Mr. Pitt took so active a part, that it will be necessary to notice it in some detail, constitute the only business which remains to be mentioned in the present session. Mr. Hastings, who, at an early period of life, went out to India, as a writer*, and afterwards filled several important stations in the service of the company, was appointed governor general of

* Mr. Hastings was appointed a writer in 1749. He returned to England in 1765 with a moderate fortune, and remained here till 1769. In that year he went again to India as second in council at Madras; and in 1772 he was placed at the head of the government of Bengal under the old system, having no jurisdiction over the other British settlements.

CHAP. VII. 1786.

India, by the act of parliament, which passed in 1773, when lord North was at the head of the treasury, for regulating the government of the British territories in the east. In May 1776, the court of directors of the East India company, in consequence of complaints received from India, and at the suggestion of lord North, voted that he should be removed from his government; but this vote was overruled by a majority of the court of proprietors; and no farther step was then taken. Not long afterwards, Mr. Grant and Mr. Macleane came from India, and asserted, that they were authorized to offer Mr. Hastings's resignation to the court of directors, which was accepted; and Mr. Wheeler was appointed to succeed him: but, upon the return of those gentlemen to Calcutta, Mr. Hastings denied that he had given them any such authority; and, refusing to resign, continued in his government, to which he was re-appointed, by act of parliament, no less than three times during lord North's administration, namely, in 1779, 1780, and 1781*. Several of the resolutions† proposed by Mr. Dundas, as chairman of the secret committee, in 1782, conveyed a strong

* In 1773 Mr. Hastings was appointed for five years, in 1779 and 1780 for one year, and in 1781 for ten years.

† The 18th, 35th, 39th, 40th, 42d and 44th.

censure upon Mr. Hastings; and one* of them declared, that "Warren Hastings esquire, governor general of Bengal, having, in sundry instances, acted in a manner repugnant to the honor and policy of this nation, and thereby brought great calamities on India, and enormous expences on the East India company, it is the duty of the directors of the said company, to pursue all legal and effectual means for the removal of the said governor general from his office, and to recal him to Great Britain." The directors accordingly voted the removal and recal of Mr. Hastings†; but the proprietors again interposed their authority, in opposition‡ to the vote of the directors; and parliament taking no farther step, he remained governor general till February 1785, when, without any previous notice to the company, he embarked for England. On his arrival in this country, in the following June, the directors voted him their thanks for his long§ and meritorious services, although they had frequently and loudly complained of his con-

* The 45th.

† By a majority of 13 to 10.

‡ The majority in the court of proprietors in favor of Mr. Hastings, was very large, the numbers being 428 and 75: this voting took place November 1st 1782.

§ Mr. Hastings had been twelve years governor general in India, and more than thirty in the service of the company.

CHAP. VII. 1786.

duct in India, and of his utter disregard to their orders. And Mr. Dundas, who, besides moving the resolutions which have been mentioned, said in 1782, that "Mr. Hastings scarcely ever left the walls of Calcutta, that his steps were not followed by the deposition of some prince, the desertion of some ally, or the depopulation of some country," now declared, in the house of commons, "that if he had been a director, he would undoubtedly have concurred in that vote, and he expressed his satisfaction and joy, that the resolution, which he had himself moved, for the recal of Mr. Hastings, had not been carried into effect; because, in that case, he should have been the means of depriving the company of a most valuable and useful servant, and the public of a governor general in India distinguished by the most uncommon ardor, abilities, and capacity." These favorable testimonies, from parties formerly adverse to him, must have highly gratified Mr. Hastings upon his return to his native country: from another quarter he met with a very different reception.

In the numerous debates, which took place in the house of commons upon the state of the British territories in the East, Mr. Burke, who had been a very diligent member of the select committee, and had for many years bestowed

great attention upon the transactions in India, seized every opportunity to reprobate and condemn the measures of Mr. Hastings, in terms, which scarcely any degree of criminality would have justified; imputing to his mismanagement all the difficulties and distresses in our Indian concerns; accusing him of peculation, cruelty, and tyranny; and denominating him "a delinquent of the first magnitude." In every session subsequent to the reports of the two committees, he assured the house, that he would bring him to justice for his various and heinous offences; and particularly, a few days after Mr. Hastings's arrival in England, he pledged himself to commence a criminal prosecution against him early in the next session. 1786.

On the 24th of January 1786, the day on which parliament met, Major Scott, who had been a confidential agent of Mr. Hastings in India, and was now a member of the house of commons, reminded Mr. Burke of his engagement, and called upon him to produce his promised accusation of the late governor general of Bengal. Major Scott was probably induced to throw out this challenge, by inferring, from the language held by Mr. Dundas, that Mr. Hastings, if attacked, would have the support of administration; and by think-

CHAP. VII. 1786.

ing, that this bold step was likely to make an impression upon the house favorable to Mr. Hastings, as proceeding from his consciousness of innocence. Mr. Fox immediately observed, that if Mr. Burke should so far forget his duty as not to fulfil his promise, Major Scott might assure himself, that other members would institute an inquiry into the conduct of Mr. Hastings; which declaration sufficiently indicated, that the prosecution, if undertaken, would be supported by the whole power of opposition. Mr. Burke, on this day, entered into no explanation of his intention; but on Monday the 13th of February he gave notice, that he should, on the Friday following, move for the production of certain papers, which he conceived to be necessary to substantiate a charge he had long had in contemplation, and which he had been challenged to bring forward, by a gentleman, closely connected with the party to be accused. "He looked upon the business, he said, as the greatest and most important criminal prosecution, that ever had engaged the attention of any human tribunal."

It has been mentioned, that Mr. Pitt was not a member either of the select or secret committee, and that he took no part in the debates immediately caused by their reports. Nor

had he delivered an opinion upon any of the measures of Mr. Hastings's government, which had been frequently the subject of discussion in the house of commons in the course of the last four years. His mind was perfectly free from all bias and prejudice; and though he observed, that his political opponents were entering upon the prosecution with great warmth and eagerness, and he knew that some of his own friends were zealous admirers of Mr. Hastings, he determined to act with that candor and impartiality, which are peculiarly due to every question of a judicial nature, and with a just regard to the honor of the country, which could not but be involved in the decision of parliament upon the conduct of a person, who had filled the important station of governor general in India for so long a period as twelve years, and against whom such numerous and heavy accusations were so confidently urged. He lamented, indeed, that the situation he enjoyed, and his duty to the public, would not allow him to be neuter; but finding that the inquiry must lead to the consideration of many points of great national concern, he made himself master of Indian history and politics; and in every part of the proceeding, displayed his accustomed ability and discernment.

CHAP. VII. 1786.

On the 17th of February, the day appointed, Mr. Burke, after acquainting the house, that the mode, by which he proposed to bring Mr. Hastings to trial, would be by impeachment at the bar of the house of lords, moved for certain papers as the ground of his intended accusation. Mr. Pitt, in giving his assent to this motion, said, he hoped Mr. Burke would, as early as possible, state explicitly the nature and extent of his charges against Mr. Hastings; and apprised him, that if he should move for any papers not mentioned in the reports of the select or secret committee, he should expect him to explain the substance of them, and the purposes for which they were desired. Mr. Pitt assented to several other motions of Mr. Burke, of a similar nature; but, at last, he moved for papers, to the production of which, Mr. Pitt declared, that he could not agree: the sudden illness, however, of the speaker, made it necessary to adjourn, without coming to any decision. On the following day, Mr. Burke withdrew the motion, to which Mr. Pitt had objected; and made sixteen other motions for papers, all of which were granted. The next day, he moved for letters, and a variety of papers, relative to the treaty of peace with the Mahrattas in 1783, to the production of which Mr. Dundas ob-

jected, upon the ground, that their contents, if made public, would occasion transactions to be known, which ought, from motives of the soundest policy, to remain secret; and he was the more determined to resist these motions, as the peace, to which they referred, had never been the subject of complaint, but had merited, and received, every man's applause. The benefits arising from it were, he said, great: it was, in fact, "the salvation of the British empire in Asia." Mr. Fox supported Mr. Burke, with his usual warmth; but Mr. Pitt, concurring with Mr. Dundas, observed, that disposed as he was to act through the whole business with the utmost impartiality, he could see nothing in the conduct of Mr. Hastings, respecting the Mahratta peace, which did not deserve the highest commendation. He had, indeed, effected it, by dissolving a league of the most powerful Indian princes, who had entered into a confederacy for our destruction; and he was astonished, that any one, conversant with such subjects, could think of censuring so successful and glorious an atchievement. Mr. Hastings made peace, at a time, when the continuance of war would have proved absolute and inevitable ruin to the affairs of the company; and he completed it, with an address and ingenuity, which did him

CHAP. VII. 1786.

immortal honor. How far other charges might be substantiated against him, remained to be determined. If the papers now called for were granted, there would ensue various discoveries, which might be injurious to our interests, and fatal to our officers, in India. There were certainly means used to detach the different princes from each other; but to reveal those means, and to make known the persons through whom they operated, would destroy the confidence of the native powers in British politics, and weaken their faith in negotiation, which it was essential to the prosperity of this country to preserve inviolate: it might be a bar to all future attempts of this kind, and affect the situations of persons, who were instrumental in bringing about the great object in question. One, however, of Mr. Burke's motions, he should be ready to support, because, in that case, there was sufficient ground for inquiry; he meant that respecting the Ranna of Gohud. In whatever degree he might differ from him, as to the propriety of excluding the Ranna from the peace, he certainly thought that exclusion a fit subject for investigation. This man, he understood, previously to the Mahratta peace, had entered into a separate negotiation with Moodhajee Scindia, without the concurrence or knowledge

of the governor general of Bengal. After being detected in this act of infidelity, it was no wonder, that he should not be admitted to the benefit of a peace, which was meant to serve the friends, and not the foes, of Great Britain. But though he believed this fact to be true, he should make no opposition to the motion for papers upon the subject, because they might be granted without any private injury, or public danger. Mr. Burke's first motion was rejected by a majority of 87 to 44; his second motion was withdrawn; his third was rejected by a majority of 76 to 34; his fourth, relating to the Ranna of Gohud, passed unanimously; and upon his making a fifth, relative to negotiations with the Great Mogul at Delhi, upon the subject of the same peace, the order of the day was moved, which was carried unanimously; and, soon after, the house adjourned.

On the 6th of March, Mr. Burke repeated his motion for the Delhi papers; and upon Mr. Pitt's again objecting to it, as tending to affect the policy of India, by revealing the secrets of negotiations, which the peace and tranquillity of Indostan rendered absolutely necessary should remain undivulged, it was rejected by a majority of 88 to 34. Several motions were made for other papers, most of

CHAP. VII. 1786.

which were granted; but some few were refused, upon the principle already mentioned.

A third attempt was made, by Mr. Fox, to obtain the production of the Delhi papers; and in the debate which followed, Mr. Pitt once more assured the house, that the disclosure of these papers would operate in a manner injurious to our interests, by exposing the objects and considerations by which the princes of India had been respectively governed in their arrangements with us: at the same time, as these papers, instead of furnishing matter of accusation against Mr. Hastings, would place, in a conspicuous point of view, the most meritorious and brilliant part of his administration, he could not avoid, from motives of compassion and justice, lamenting, that in compliance with his duty, he must persevere in objecting to their production: the motion was rejected by 140 to 73.

After several discussions relative to the order of proceeding, it was determined, contrary to the wishes of Mr. Burke and Mr. Fox, that the charges should be produced, and Mr. Hastings heard in his defence, previously to the receiving any parole evidence. Upon these points there was only one division, in which Mr. Pitt voted in a majority of 140 to 80. On four different days in April, Mr. Burke deli-

vered to the house, 21 articles*, charging Mr. Hastings with sundry high crimes and misdemeanors; and on the 1st and 2d of May, Mr. Hastings, who had been furnished with copies of these articles, as they were produced, read his answers to them at the bar of the house, which were afterwards laid upon the table. On the 5th of May, Mr. Burke produced his 22nd and last charge, to which Mr. Hastings made his reply a few days afterwards. The examination of witnesses lasted three weeks; towards the end of which time, Mr. Burke declared his intention to adopt the suggestion of Mr. Pitt, and take the sense of the house upon each charge separately, whether it contained sufficient ground for impeachment, or not?

Accordingly on the 1st of June, Mr. Burke brought forward his first charge, which related to the Rohilla war; in the commencement and conduct of which, he asserted, that Mr. Hastings had been "guilty of gross, enormous, and flagitious crimes." At a late hour the debate was adjourned to the next day; and after another long debate, the motion was negatived by a majority of 119 to 67. Mr. Pitt did not speak on either day, except to propose an

* These charges were drawn up in so diffuse a manner, that they fill nearly 100 folio pages in the Journals.

CHAP. VII. 1786.

amendment in the words of the motion*, which was adopted. He voted in the majority, coinciding in opinion with Mr. Dundas and Mr. William Grenville, who contended that the war with the Rohillas, as far as Mr. Hastings was concerned, was both just and politic; just, inasmuch as it originated on the part of the Rohillas, in the violation of a treaty subsisting between them and Sujah Dowlah the nabob vizier of Oude, to which our East India company was guarantee; and politic, inasmuch as it conduced to our interests in India, to strengthen and support the vizier, whose dominions were a barrier against the Mahrattas, a neighboring and powerful state, unfavorably disposed to the English: and they farther maintained, that the expulsion of the Rohillas, a faithless and dangerous people, from the country which they had occupied only about 40 years, was justifiable, and could not be considered as an extirpation, a term which had been applied to it by the accusers of Mr. Hastings; that Mr. Hastings was not responsible for any act of cruelty, of which Sujah Dowlah might be guilty in the prosecution of

* The motion when amended was as follows, "That the committee having considered the said article, and examined evidence on the same, are of opinion, that there are grounds sufficient to charge Warren Hastings, esq. with high crimes and misdemeanors upon the matter of the said article."

the war; that it was unfair to call a person to account for transactions, which had taken place at the distance of 13 years; and that, in truth, Mr. Hastings had, by implication at least, been acquitted of any blame respecting the Rohilla war, by having been three times re-appointed governor general of Bengal by parliament since its conclusion*: this Mr. Pitt, upon another occasion, called "the highest certificate of legislative approbation."

On the 13th of June, Mr. Fox brought forward the charge relative to Cheyt Sing, the rajah of Benares, which stood third in the list; and in his speech, he accused Mr. Hastings of having made unjust demands of money and troops from the rajah; of his having imposed upon him, a most exorbitant fine, in consequence of his hesitation to comply with those demands; and of his having arrested him in his own palace, and treated him with the greatest indignity and cruelty. He concluded an able, but violent, speech, by moving that, "this committee are of opinion, that having examined the third charge, and heard evidence thereupon, there is matter of impeachment against Warren Hastings, esq. contained in it."

* The Rohilla peace was signed October 6, 1774. Lord North, who introduced these acts, voted for this motion.

CHAP. VII. 1786.

After Mr. Francis had seconded the motion, and Mr. Nicholls had spoken against it, Mr. Pitt began a long argumentative speech, by assuring the house, that he had listened with the most fixed and anxious attention, to what had been asserted by those who had preceded him in the debate, not only because he looked upon the subject as of the utmost magnitude, from its involving, in a great degree, both the honor and dignity of the British house of commons, and also the general cause of justice and humanity; but, because he had heard upon both sides of the question, many arguments and doctrines, to which he could not subscribe, and from which, he found himself indispensably bound to express his dissent. He felt the greatest difficulty and uneasiness, in being obliged to determine on judicial questions, the merits of which were so closely connected with Indian notions and habits, and that with the insurmountable impression of sentiments and principles imbibed and matured under the British constitution. In proportion, however, to this difficulty, had been his endeavor to make himself perfectly master of the whole of the case; and although from his other avocations, he was, perhaps, less at liberty to dedicate a considerable portion of his time to the study of it, than most other gentle-

men in that house, yet, he could venture to say, he had, by a most laborious investigation, been able to form such a final and settled opinion concerning it, as had completely satisfied him, with respect to the vote, which, in conscience, he was bound to give. He should state to the committee, in as plain and concise a manner as he possibly could, the whole of the premises which operated on his mind, in forming his conclusion; and this he should do without any restraint from the apprehension, that his arguments might be used or perverted to a result different from that which he intended: for he thought, that if there was any one subject, in which a member of that house was bound to use less disguise, and to speak out more plainly, than on another, it was on such a subject as that then under discussion, where there ought to be no object in view, but the honor of parliament, and the ends of substantial justice, as necessarily and inseparably connected in the question. He should, therefore, take care to avoid entering into the business with that sort of temper and spirit, by which some gentlemen seemed to be influenced, and should particularly guard against any impression similar to that, which the right honorable gentleman (Mr. Fox) had been so desirous of making upon the house, in a man-

CHAP. VII. 1786.

ner, which, he thought, of all others, the most unfair and most inconsistent with every principle of law and justice, by torturing the words and arguments of a man standing on his defence, and drawing from them inferences of motives and of principles calculated to fix upon him, in many instances, a degree of guilt, which even the charges themselves did not impute. He should not suffer such means to bias him in voting a censure, where he did not think censure was merited; nor should he, on the other hand, suffer his indignation, at such unjustifiable conduct, so far to prevail, as to make him refuse such a vote, where he thought he was conscientiously bound to give it.

He should begin, by stating to the house his general opinion as to the situation of the zemindars of India, and the degree of subjection under which they lie to their superior lords. He had made every research in his power, into this part of the subject; and, as far as it was possible to ascertain in England, a question of Indian politics, liable even there to great uncertainty, and variety of interpretation, he hoped that he had been successful.

Mr. Pitt then went into the general doctrine of subordinate principalities, pointing out the nature and extent of their subjection to the superior state, and the necessary dependance

to which they must, in all cases, be liable. Many different opinions, he said, had been entertained concerning the tenure, under which the zemindars of the empire of Indostan held their possessions; some had supposed them the real proprietors of the soil, while others looked upon them, as mere trustees for the superior lord, and entitled to no part of the produce or value of the lands, except such as were allotted to them for their subsistence. Some had conceived them to be possessed of a life estate only, and to be the mere channels or vehicles of the revenue; while others contended, that their interest was hereditary. It was, however, of very little consequence to the conclusion, which he meant to draw, what was the precise character of their tenure. It was enough for him, that it must in the nature of things, and from a number of special circumstances, become liable to demands for certain extraordinary aids, in case of extraordinary emergencies. It was impossible to suppose the existence of any state, which had no provision made for extraordinary resources, in case of extraordinary dangers. The most common, because the most obvious, mode of procuring this extraordinary resource, had, in the earliest periods of the feudal institutions, been, by calling on the several vassals of the

CHAP. VII. 1786.

state for their personal service in arms. This right was a fundamental maxim in every government, and one to which no individual could possibly object, because it was by the joint power of the whole aggregate body alone, that the person and property of the individual could be protected; and it would be a treason against itself, in any state, to exclude a principle, so obviously necessary to its very existence. Those personal services of the tenants of land became, in time, almost universally commutable for money, which was found better to answer both the exigencies of government, and the convenience of individuals; and from hence the principle, which had formerly applied to the persons, was extended to the property of the people, and each was considered as bound to contribute, in proportion to the benefits which he derived from his political capacity, as a member of a regular community, that is, in proportion to the possessions he held under it. He instanced this from the policy of the original feudal institutions of Europe, and particularly, of England, in the case of sudden danger, when, over and above the stated rents and services reserved to the crown, there was a right to call upon the tenants for particular and extraordinary service, either of a personal or pecuniary nature; and

from such demands, even the counties palatine were not exempted, although the proprietors had the exercise of every species of internal jurisdiction within them, in as ample a manner as any of the Indian zemindars. He then applied his argument more particularly to the empire of Indostan, where, he said, the same policy had been adopted and practised; and, after referring to several undoubted facts, and quoting written grants to zemindars, he declared it to be his firm conviction, that the zemindars of India were bound, on all occasions of great emergency, to contribute, in a proportion suitable to their own ability, and the exigency of the public.

The next question then to be considered was, whether any particular stipulations had been made in favour of Cheyt Sing which ought to exempt him from the general duty incumbent upon all the other tributaries to the Indian sovereigns. Mr. Pitt pursued this inquiry, by shewing, that the zemindary of Benares had been acquired by Bulwant Sing from the nabob of Oude, to whom, by the original appointment, an annual rent was reserved; besides which, extraordinary aids had been furnished to him, as lord paramount, on extraordinary occasions. Upon the death of Bulwant Sing, his son, Cheyt Sing, was, by

CHAP. VII. 1786.

the mediation of the company, admitted to the succession; with an addition, however, of two lacks of rupees to his annual tribute, and a fine of several lacks, paid at the time; and this very Cheyt Sing had himself contributed to his superior, the nabob, a considerable assistance, both in men and money, towards the Rohilla expedition. Afterwards, the sovereignty of Benares was surrendered to the company, who, by such surrender, became possessed of every right which the nabob had hitherto enjoyed in the country, and of every degree of authority which he had possessed over the zemindar. Among those rights and authorities, was that of calling, in case of emergency, for assistance over and above the amount of the stipulated and regular annual payments. This right had always been exercised and acquiesced in, and was indisputably transferred, with other rights, to the company.

Mr. Pitt then stated, that several patents had been granted by the English government in Bengal, by which certain powers and immunities were conveyed to Cheyt Sing; but so far were they from rendering him independent, that it was expressly determined, upon the suggestion of Mr. Francis, when he was a member of the supreme council, and

Mr. Hastings governor general, that the rajah should still be kept in a state of vassalage or dependence upon the company. In none of these patents was there any mention of that, which was too essential and indispensable a right of sovereignty to be either construed away by implication, or defeated by any thing short of the most explicit renunciation—the right of demanding aid in case of war, or upon any other great emergency; but, on the contrary, this very right was, in a great measure, recognized by the terms of the grant; for it expressly conveyed the country to the zemindar, on the condition, that, if he yielded a fit obedience to the authority of the company, his superiors and sovereigns, then he should hold the territory for the annual sum mentioned in the deed. The real situation, therefore, of Cheyt Sing was this; that he stood ensured from any increase of his jummah, or annual tribute, but continued liable, according to his ability, to demands for the service of the company, his sovereigns, on any pressing emergency.

Having established these two points respecting zemindars in general, and Cheyt Sing in particular, Mr. Pitt said, that the third thing to be considered, was, whether the situation of the affairs of the company in

CHAP. VII. 1786.

India, constituted an emergency sufficient to justify the exercise of that right of sovereignty, which Mr. Hastings exercised in making the extraordinary demand on the rajah? To this he should say but few words, because the adversaries of Mr. Hastings seemed industriously anxious to impress the public with an idea of the magnitude of the danger, to which our eastern government was at that time exposed. They all represented, that, superadded to the war, which broke out with France, there were sufficient grounds for the most alarming apprehensions, from the animosities and resentments of the adjacent country powers.

A fourth consideration was, whether admitting the right of calling for extraordinary aid, to meet extraordinary emergencies, and that the then situation of the company constituted such an emergency, the sum demanded from Cheyt Sing was greater than he could with ease and convenience have paid. He should not take upon himself to say, whether the governor general and council had formed their calculation of the ability of the rajah, on proper information; but from the event it was evident, that the sum demanded from him* was greatly within his power to have paid: for in the castle of Bridgigor were found, besides

* The sum demanded was five lacks of rupees.

what possibly had been conveyed away privately, at least 23 lacks of rupees in specie and jewels, and other moveables, to the value of a crore and half of rupees, which was a million and half of our money. And that the demand of a thousand or even fifteen hundred cavalry was not enormous, or beyond the power of the rajah to comply with, was evident from the circumstances which took place afterwards on the insurrection in Benares; from whence it appeared, that Cheyt Sing had a force fully sufficient to enable him to spare the number required on behalf of his sovereigns and benefactors.

Thus, he trusted, he had fairly made it out on grounds perfectly just and reasonable, that there was a right in the council of Bengal to make a demand on Cheyt Sing, for assistance and aid towards the defence of the company's interests in Bengal, threatened as they were with a most dangerous combination of enemies; and also, that the aid demanded was by no means extravagant, when compared with the well-known ability of Cheyt Sing to pay it. He should, therefore, leave those points as proved and admitted, and proceed to the other circumstances, which constituted the remainder, and, in his opinion, the best founded parts of the charge.

CHAP. VII. 1786.

He repeated, that he perceived himself under a very disagreeable necessity of adapting, in some degree, his sentiments on the subject of government, to the principles of Indian politics. Those principles were certainly not conformable to European ideas, but they were in a great measure the only ones on which an European could take upon himself to judge of the transactions and conduct of an Indian governor. They were the principles of arbitrary power and despotism. But though the constitution of our eastern possessions was arbitrary and despotic, still it was the duty of every administration in that country, to conduct itself by the rules of justice and moderation, as far as it was possible to reconcile them to the established government. He did not care whether the laws of Tamerlane, or of any other Indian emperor, had laid down such a doctrine: it was enforced by a higher authority. And it was upon that ground that he felt it impossible to acquit Mr. Hastings of the whole of the charge brought against him; for he felt in his conscience, that he (Mr. Hastings) had pushed the exercise of that arbitrary discretion, which, from the nature of the eastern government, was intrusted to him, to a greater length than he was warranted to do by the necessity of the service. He was firmly per-

suaded, that Mr. Hastings had been influenced through the whole of his government, by the warmest zeal for the interest of his employers; but that zeal, however commendable in itself, lost its merit, when exerted in a manner repugnant to principles, which ought not to give way to any motives of interest or policy whatsoever*. The council of Bengal having made a demand, which they had a right to make, and that demand having been contumaciously resisted, they were certainly justifiable in inflicting a punishment on the delinquent party; for to give the right of demanding, without the power of punishing the refusal, would be absurd and nugatory in the extreme. But then it was their duty to apportion the punishment to the degree of guilt; this, he was sorry to say, Mr. Hastings, in his opinion, had not done. The conduct of Mr. Hastings, subsequent to the demand of troops and money from Cheyt Sing, was censurable, inasmuch as the fine, which he determined to levy, was beyond all proportion exorbitant, unjust, and tyrannical. In fining the rajah 500,000*l.* for a mere delay to pay 50,000*l.* which 50,000*l.* he had actually paid, Mr. Hastings had acted in an

* In no instance did Mr. Pitt, either in his own conduct, or in judging of that of others, lose sight of the strict rules of justice and morality.

CHAP. VII. 1786.

arbitrary manner, and was not guided by any principle of justice and reason. This proceeding destroyed all relation and connection between the degrees of guilt and punishment; it was grinding, it was overbearing. He should therefore, certainly, in the present charge, agree to the motion which had been made; not considering himself as being thereby committed to a final vote of impeachment, but only meaning to be understood, that if, upon the whole of the charges, it should be his opinion, that an impeachment ought to be preferred against Mr. Hastings, then this act of oppression was such, as ought to be made one of the articles of that impeachment, being in his judgment a high crime and misdemeanor. In all this he meant to confine himself expressly to the exorbitancy of the fine, and not to include the subsequent revolution of Benares, an event, which, under all the circumstances, could not possibly have been avoided: for Cheyt Sing, having reluctantly obeyed in one instance (the payment of the money) the orders of the council, after making false and contumacious excuses, his pretence of inability being certainly of that description, and having actually disobeyed another part of their commands (the furnishing of a certain number of troops) the governor was unquestionably at

liberty, not only to impose a fine upon him, but to march into his country, in order to enforce it; and the rajah, not being acquainted from any overt-act, that the fine intended to be levied was exorbitant (the only unjust part of the transaction,) his taking up arms, in order to escape from an arrest, to which he had subjected himself by his own fault, and exciting an insurrection among his men to massacre the British forces, and afterwards withdrawing himself and going into open rebellion, which could not be excused by any consideration of that with which he was not acquainted, the exorbitancy of the fine—all these circumstances considered, Mr. Hastings's deposition of the rajah was just and indispensably necessary, and naturally followed from what had preceded it. As to Mr. Hastings's encouraging the troops to commit ravage and devastation, that could not have been the consequence of the letter, to which it was imputed; for, that letter was only calculated for the private perusal of the council; and it was a well-known fact, and sufficiently authenticated by evidence, that he had taken every precaution for issuing the necessary orders to prevent any avoidable licentiousness of the soldiery; and that the cruelties committed, were only by a party of disobedient and mutinous followers of the camp.

1786.

To the subsequent part of the charge, the second and third revolution of Benares, he should say but a few words, as they had not been much relied upon, except as matter of aggravation. On the head of the last-mentioned articles, the right honorable gentleman (Mr. Fox) had attempted to point out a contradiction between the different parts of Mr. Hastings's conduct, in having first deposed Cheyt Sing for not paying a certain sum of money, and afterwards deposing Jagher Deo Sheo for using rigorous modes of collection, in order to enable himself to comply with a similar demand. In both cases Mr. Hastings was strictly right in his principles; for one rajah deserved to be punished for not paying what he was able and bound in duty to pay; and the other was equally culpable in not making a proper collection of the revenue, but laying it on in a partial and unfair manner.

The only remaining subject was, the restoration of Cheyt Sing to his possessions; upon which he should forbear to deliver any opinion, as it could not then properly come under consideration.

Not one of the persons who were adverse to Mr. Hastings attempted to answer any of those parts of Mr. Pitt's speech, in which he vindicated the conduct of that gentleman, or

to controvert any of the general principles he had advanced respecting Indian politics, or their application to the present question: but Mr. Dempster, Mr. W. Grenville, lord Mulgrave, and the attorney general, the last three of whom were intimately connected with Mr. Pitt, all declared, that they could not agree with him in thinking, that the charge contained sufficient matter to be included in any articles of impeachment. On the other hand, Mr. Powys expressed his satisfaction at having heard so honorable and manly an argument from the chancellor of the exchequer: a more able and convincing one, he said, had scarcely ever been delivered within those walls. He could not, however, but lament, that the right honorable gentleman was left alone, that he was deserted by his friends; and that two of the ministers for India* had argued against the resolution, and embraced sentiments so repugnant to those professed by the right honorable gentleman. Mr. Powys said, that the two ministers for India had virtually avowed, that political expediency sanctified injustice—a maxim to which he could not accede.

Lord Mulgrave declared, that Mr. Pitt would not be fit to be minister of the country

* Lord Mulgrave and Mr. W. Grenville were members of the board of control.

CHAP. VII. 1786.

for a single day, if upon a question of that nature, when the house was sitting as judges, he was to expect his friends to sacrifice their opinions. Mr. Pitt regretted, that there should be any difference of opinion between himself and his friends; but it was an honorable difference, not a difference about a principle, but about the application of a principle: he thought fifty lacks a most exorbitant fine, and his honorable and noble friends did not. The majority of the house concurred with Mr. Pitt; the motion being carried by 119 to 79.

It being found impossible to go through all the charges in the present session, the farther consideration of them was deferred to the next meeting of parliament.

The prorogation took place on the 11th of July, when the king, in his speech from the throne, thanked the two houses for their diligent attention to the public business; and particularly, for the measures they had adopted for improving the resources of the country, and reducing the national debt: he informed them of the prospect of the continuance of general tranquillity; and assured them, that nothing should be wanting on his part, to confirm the advantages already derived from peace; and to encourage the manufactures of the kingdom and the industry of his people.

CHAPTER THE EIGHTH:

1786.

Commercial Treaty with France—Convention with Spain—Meeting of Parliament—Consolidation of Duties—Budget—Post Horse Duty—Motion for the Repeal of the Corporation and Test Acts—Payment of the Prince of Wales's Debts—Continuation of Proceedings against Mr. Hastings—Prorogation of Parliament.

THE only two events of a public nature, which took place during the recess of parliament, of sufficient importance to be mentioned, were, a commercial treaty with France, and a convention with Spain.

By the eighteenth article of the definitive treaty of peace between Great Britain and France in 1783, it was agreed, that immediately after the exchange of the ratifications, commissioners should be appointed for the purpose of settling new arrangements of commerce, which should be concluded within two years from the first of January 1784. The long animosity and rivalry, which had subsisted between the two nations, and the little trade they had carried on with each other since the revolution, even in the intervals of

CHAP. VIII. 1786.

peace, rendered this a measure, which, from the complicated interests it involved, and from the want of any precedent as a guide, required much investigation and thought; and it was impossible, amidst other more urgent matters, to bring the business to a termination within the stipulated time. Mr. Pitt having at length found leisure to make himself perfectly acquainted with this important subject, Mr. Craufurd was first employed to treat with the French ministers. He made, however, but little progress; and in the beginning of 1786, Mr. Eden, who had long directed his attention to the affairs of trade, and who was now come over to administration*, was sent to Paris, with full instructions and powers to enter into a negotiation. Many difficulties occurred, all

* Mr. Beresford, of Ireland, was the person through whose intervention Mr. Eden came over to administration. Mr. Eden, in his first letter to Mr. Pitt, suggested a wish to be speaker of the house of commons, if there should be an opening; but to this idea Mr. Pitt gave no encouragement. It was then in contemplation to create a new office for him, as a sort of general superintendant over the collection of the revenue. This plan being abandoned, it was at last determined that he should be sent to negotiate the treaty of commerce in France, a business to which he was extremely well suited. He was afterwards successively, ambassador in Spain and at the Hague, joint postmaster general, and created first an Irish and then a British peer, by the title of lord Auckland, during the first administration of Mr. Pitt, by whom he was likewise much consulted on subjects of finance.

of which, by the address of Mr. Eden, and the advice of Mr. Pitt, with whom he kept up a constant communication, were, at the end of a few months, surmounted; and on the 26th of September a treaty of navigation and commerce, to continue in force twelve years, was signed at Versailles; and on the 15th of the following January, a convention, by which numerous prohibitions were removed, and the conditions, upon which the different articles of merchandize were to be mutually admitted into the respective countries, were fixed.

The other event was the settlement of a convention between the kings of Great Britain and Spain, signed in London on the 14th of July, by which it was agreed, that the English settlers should relinquish the Mosquito shore*, which was hereafter to be occupied exclusively by Spaniards; and on the other hand, certain advantageous concessions were made to the king of Great Britain, relative to the limits between the Spanish and English territories, the cutting of every species of wood, and other accommodations in that part of America. The object of this convention, which had reference to the sixth article of the treaty of peace in 1783, between Great Britain and Spain, was, to prevent any future misunderstanding and dis-

* There were about 200 white settlers, and 1000 negroes.

CHAP. VIII. 1786.

pute between the subjects of the two kingdoms, and to secure the continuance of peace. The negotiation respecting this convention was some time depending, and was carried on partly in London, and partly at Madrid, under the superintendance and direction of Mr. Pitt.

Besides these public events, I have to notice a most severe private calamity which at this time befell Mr. Pitt—the loss of his only remaining sister lady Harriot Eliot, who died on the 25th of September, five days after the birth of her first child. It was my melancholy office to attend this very superior and truly excellent woman in her last moments; and afterwards to soothe, as far as I was able, the sufferings of her afflicted husband and brother —sufferings which I shall not attempt to describe. It was long before Mr. Pitt could see any one but myself, or transact any business except through me. Lady Harriot had been an inmate in his house till within some months of her death; and with the warmest feelings of mutual affection they had always lived upon terms of the utmost confidence. Never were brother and sister more worthy of each other. Mr. Eliot had been a fellow collegian with Mr. Pitt, and his most intimate friend; a

circumstance which made this connexion more gratifying to both, and the dissolution of it more painful. From this moment Mr. Eliot took up his residence in Mr. Pitt's house, and they continued to live like brothers*. CHAP. VIII 1786.

Parliament met on the 23d of January 1787; and the authority of the legislature being necessary to carry into execution the commercial treaty and convention with France, by imposing such duties as had been agreed upon, the king, in his speech from the throne, recom-

* Mr. Eliot never recovered his former cheerfulness and spirits, nor could he bring himself again to mix in general society. He passed great part of his time in my family, both in town and country; and seemed to have a peculiar satisfaction in conversing, unreservedly, upon the subject, which his countenance and manner indicated to be always present to his mind, with Mrs. Tomline, who from having been the intimate friend of his lamented wife, could appreciate his loss and deeply shared in his affliction; and who, at his, and at Mr. Pitt's request, was godmother to his daughter, with the dowager lady Chatham. A strong sense of religion led him to submit, with resignation, to the will of the Supreme Disposer of all events, and to exert himself in the discharge of the duties belonging to his station in life. But severe and continued grief gradually impaired a constitution naturally strong; and, in the opinion of his physicians, brought on a complaint, which, after several months of agonizing pain, put a period to his existence, in the autumn of 1797. He left the dowager lady Chatham, lord Chatham, Mr. Pitt, and myself, executors of his will, and guardians and trustees of his beloved daughter, who was married, in 1806, to colonel, now sir William Pringle, K. C. B.

CHAP. VIII. 1787.

mended the subject to the early and serious consideration of the two houses; and it was the first business brought before the house of commons.

Although the coalition administration was in office, when the definitive treaty was signed, and the English ambassador then at Paris, conformably to one of its provisions, had made overtures to the French ministers, relative to a reciprocal commercial arrangement, yet Mr. Fox objected to the present treaty, upon the general ground of its being a novel system, and a dangerous departure from the established doctrines of our forefathers, and from the principles upon which our commerce had hitherto been conducted. He contended, that France and England were natural and unalterable enemies; that it was essential to the safety and independence of England to regard France with jealousy and distrust; and that to endeavor to maintain friendly intercourse with that kingdom, was equally vain and contrary to sound policy.

Mr. Pitt entered into a full defence of the principle and terms of the treaty. He would not admit, that there was any thing in the situation or character of France and England, which made them necessarily hostile to each other—his mind revolted from the idea, that

any nation could be unalterably the enemy of another—it had no foundation in experience or history—it was a libel on the constitution of political societies, and supposed the existence of diabolical malignity in the original frame of mankind. He reminded Mr. Fox, that when secretary of state he had himself recognized and acknowledged the necessity of renewing and strengthening the commercial intercourse between the two kingdoms: nay, he had, by an express article of the definitive treaty, bound down this country to make a commercial treaty with France in the course of two years; and the English ambassador at Paris had, by his direction, taken active steps to accomplish that object. He maintained, that the treaty would not prevent the exercise of a proper degree of caution and watchfulness; that it would quiet no well-founded jealousy; that it would slacken no necessary exertion, nor retard any provident preparation; that it would not prevent alliances with other states, while in fact, nothing could tend more powerfully to render the present peace permanent, than the habits of amicable and advantageous intercourse; that such habits must have a powerful influence upon the political disposition of the two countries towards each other; that the quarrels between France and

CHAP. VIII. 1787.

England had not only too long continued to harass those two great and respectable nations themselves, but had frequently embroiled the peace of Europe, and had even disturbed the tranquillity of the most distant parts of the world; that they had by their past conduct acted as if they were intended by nature for the destruction of each other; but he hoped the time was now come, when they would justify the order of the universe, and, by a wise attention to their own real interests, shew, that they are better calculated for the more amiable purposes of friendly and useful connexion. He observed, that the relative circumstances of the two countries afforded reason to believe, that a commercial treaty, mutually beneficial, might be framed; that France had the advantage in soil and climate, being by the dispensation of Providence gifted, perhaps more than any other country upon earth, with what makes life desirable in point of natural produce, the most fertile vineyards and the richest harvests; that Great Britain, though less blessed by Heaven in these respects, yet possessing the happy freedom of her political constitution, and the equal security of her laws, had, by her steady exertions and enterprizing spirit, arrived at a confessed superiority in her manufactures and artificial productions, and having

risen to an unparalleled state of commercial grandeur, had acquired the ability of furnishing her neighbor with ornaments and embellishments, the effects of skilful industry and ingenious workmanship, in exchange for her natural luxuries, which our refinements had converted into necessaries; that thus, each having its own distinct staple, and being capable of supplying what the other wanted, they did not clash in their great and leading interests, and might, like two rich traders in different branches, enter into a traffic, which would encrease the opulence and prosperity of both; that allowing the importation into England of certain French articles hitherto prohibited, and lowering the duties upon others, must cause the present profits of smugglers hereafter to flow into the national exchequer*; that trade with France must, from its vicinity, yield a certain and expeditious return, and by adding to the revenue would better enable the

1787.

* A large quantity of French cambrics was used in England, the whole of which (the importation being prohibited) was smuggled; and, by the treaty, cambric was to be admitted, under a moderate duty. Four millions of gallons of French brandy, in a year, were supposed to be smuggled into England; and only about 600,000 or 700,000 gallons were legally imported. By the treaty, the duties upon brandy were to be considerably reduced, which would, probably, have the effect of greatly increasing the legal importation.

CHAP. VIII. 1787.

nation to carry on war, when war could no longer be avoided; that it would be the parent of immediate wealth to individuals, and the nurse of future strength and security to the public. He did not hesitate, he said, to deliver his firm opinion, in the eyes of France, and while the measure was depending, that the treaty, though advantageous to her, would be more so to England. France would procure a market of eight millions of persons: England a market of 24 millions. France would gain a market for her produce, which employed comparatively few hands in the preparation, gave a very trifling encouragement to navigation, and afforded little to the state: England would gain a market for her manufactures, which employed many hundred thousands of her inhabitants, and advanced her maritime strength, by collecting materials from every corner of the world; while every article, in every stage of its progress, contributed largely to the state. It was indeed in the nature and essence of an agreement between a manufacturing country, and a country abounding with natural productions, that the advantages should preponderate in favor of the former.

Scarcely an objection was made to any of the specific duties settled by the treaty. Comprehensive as it was, no complaint was made

by a single class of manufacturers or merchants against the provisions, which concerned their own branch of trade. All were convinced, that their several interests were sufficiently consulted, and each hoped to be benefited by the encreased consumption of their respective articles of commerce; while the public at large felt a consolation and pride in reflecting, that, within so short a period after the empire had been struggling for its very existence, in an arduous and protracted contest against enemies in every quarter of the globe, without the support of a single ally, and so soon after it had been dismembered of a large portion of its dominions, it was raised to such rank and importance, that its antient rival, laying aside her former animosity, was ready to enter into a friendly connexion upon liberal and beneficial terms; and ample justice was done to the illustrious statesman, to whose wisdom and energy the country was indebted for this improvement; and whose capacious and enlightened mind was equally manifest, in measures of the most extensive operation, and in the minute details, by which the interchange of a great variety of articles of trade and manufactures was to be regulated, with reciprocal advantage to the contracting parties.

The only petition presented to the house of

CHAP. VIII. 1787.

commons, upon the subject of this treaty, was from a few members of the chamber of commerce in London, requesting farther time for the consideration of its terms; but it appeared not to deserve any attention, as it did not contain a single objection, and the treaty had then been before the public nearly five months. It was indeed well known, that the treaty had been fully considered by the merchants and manufacturers of every part of the kingdom; and that this was a petition from a few individuals, connected with opposition, for the sole purpose of creating delay.

In arranging the conditions of this treaty, great care was taken not to interfere with existing treaties, or to give offence to other countries, by any superior indulgence granted to France. Upon this principle a power was reserved to England to continue to Portugal the privilege she had enjoyed since the Methuen treaty* in 1703, of having her wines admitted into England upon duties one-third less than those upon French wines, in return for which England was allowed to import into Portugal a large quantity of her manufactures. The duty upon French wines was, by the French treaty, lowered to the present duty

* So called from the name of the person who negotiated the treaty.

upon Portuguese wines, which latter it was therefore necessary to reduce, in order to preserve the spirit of the Methuen treaty.

In consequence of repeated infractions of that treaty on the part of Portugal, and particularly by her refusal to admit Irish upon the same terms as English manufactures, negotiations between that country and England were at this time depending, the result of which, Mr. Fox contended, ought to be known, before parliament expressed any opinion upon the French treaty; but Mr. Pitt replied, that this was by no means necessary, since, in whatever manner the negotiations with Portugal might end, it would be wise to confirm the treaty with France, which might indeed enable government to negotiate more advantageously with Portugal; and it was of importance, that parliament should come to a speedy decision respecting the French treaty, to relieve merchants and manufacturers from their present suspense, and to authorize them to export their goods to France, for which they were already prepared.

Upon this and other points relative to the French treaty, there were several divisions in the house of commons, in all which Mr. Pitt prevailed by large majorities; and the house of lords having also given their sanction to

the measure, the two houses, on the 8th of March, presented a joint address to the king, in which they returned their most grateful acknowledgements to his majesty, for the fresh proof of his constant attention to the welfare and happiness of his subjects, in having concluded a treaty of navigation and commerce with the most christian king, so well calculated to promote a beneficial intercourse between Great Britain and France, and to give additional permanence to the blessings of peace.

This address was moved in the house of commons by Mr. Blackburne, member for Lancashire, and seconded by Captain Berkeley, member for Gloucestershire, (two of the greatest manufacturing counties in the kingdom,) both of whom, as well as several members of other commercial places, declared, that the treaty was highly approved by their respective constituents. Captain Berkeley, after expressing his belief, that this was the best and most popular commercial treaty into which this country had ever entered; and after producing proofs of the grateful sense which the manufacturers of Gloucestershire entertained of the wise and meritorious conduct of Mr. Pitt in forming such a treaty, added, that their approbation was the more valuable, as it was well known, that the general

impression in the minds of the inhabitants of the county of Gloucester had been adverse to Mr. Pitt, when he first came into office, but that they now confessed themselves converts to his spotless integrity; and were convinced that he was heir of his great father's eminent virtues and talents, and had no object in view but the good of his country.

The next business which Mr. Pitt brought before the house of commons was, his celebrated plan for the consolidation of the different duties in the three great branches of the revenue, the customs, the excise, and the stamps; a subject necessarily connected with the public funds and the national debt, for the payment of the interest of which those duties were the main security. The encreased commerce of the country on the one hand, and its accumulated burdens on the other, the various additions which had been made to the national income, by repeatedly augmenting almost every subsisting duty, and the concomitant progression of the resources from which that income was supplied, had so widely exceeded the expectations of our ancestors, and all the grounds of estimate in their system of finance, that the principles which they adopted as suited to the then narrow limits of the public

CHAP. VIII. 1787.

exigency and receipts, were no longer in any degree applicable to the present enlarged scale either of the trade or of the revenue of the kingdom. This will appear from a short statement relative to the custom-house duties, to which I am desirous of calling the attention of the reader, that he may judge of the magnitude and importance of this measure.

Duties of import and export are unquestionably of very ancient date in this country: we find, indeed, testimony of their being enjoyed by the crown, and not as a right recently obtained, as far back as our authentic records go. The earliest statutes in the printed collection are in the time of Henry 3; and in the 11th year of that reign, in the act "for the king's farmers to accompt," mention is made of "the principal collectors of wool," who are made to answer for every other charge in the ship "whereof custom is due, and for the whole receipt." Other statutes follow of a general nature; and in the next reign, that of Edward 1, acts passed granting to the king certain custom duties, but there was no book of rates before the first of Mary. There is a reference to that book in the preface to a book of rates printed in 1583, which is extant, as are others published in 1604, 1642, and 1653. It is probable, that the

custom duty on imports was three-pence in the pound upon the value of the commodity, previously to queen Mary's reign. The act of tonnage and poundage 12 Car. 2, granting certain specified duties on articles imported and exported, may be considered as the foundation of the present customs. Two other acts, imposing duties of customs, passed in a subsequent part of the same reign, and two more in that of James the second; and after the commencement of the national debt under William the third, this principle of taxation was resorted to in every fresh subsidy granted for the payment of the interest of the several loans, which were successively negotiated. In some instances these duties were encreased by a per-centage on the sums already paid, and in others by imposing a farther duty upon the same article, according to its value, its bulk, its weight, or its number; and as the trade of the country was extended, every new article of export or import afforded a fresh object of taxation. In process of time these additions became so numerous and complicated, that the several branches of the custom duties, which were obliged to be kept distinct by the officers, amounted to 68; and there were articles subject to 14 separate duties, infinitely difficult to be calculated, from the minute

CHAP. VIII. 1787.

fractions in most of them: even so trifling a commodity as a pound of nutmegs paid nine different duties*.

The whole system was indeed so intricate and involved, that a merchant, if he could have spared time to make the different computations, and to attend at the different departments of the custom-house, could scarcely, from his own knowledge, have been able to ascertain the amount of all the duties which he had to pay. He was therefore driven to the necessity of applying for, and relying upon, the direction and assistance of the officers of the customs, who from their situation were more conversant with the business, and by daily experience had acquired a greater facility in making the proper calculations; and who had moreover the means, in various ways, of expediting or retarding these complicated proceedings. Thus, the merchants were in some respects left at the mercy of the custom-house officers; and the latter, who were intended to be a check upon the former, in fact, and almost unavoidably, became their agents; a practice repugnant to every principle of rea-

* I am indebted to the late Mr. Rose for this detail, and for other financial statements which I have introduced in the course of this work. Mr. Rose's information upon these subjects, and his attachment to Mr. Pitt, are equally well known.

son and policy, and which must obviously be attended with consequences detrimental to the revenue.

The revenue also suffered materially, by the mode of collecting the duties payable according to the value of the articles, which was, in many cases, estimated in a manner very liable to error and fraud.

These inconveniences, and others of a similar nature, though to a less extent, in the excise and stamps, had long been the subject of complaint; and an intention had frequently been expressed, under different administrations, of providing a remedy for an evil so severely felt by the trading interest, and so injurious to the revenue. But, upon a closer examination, it appeared a work of so much labor, and so many difficulties presented themselves, that no one had ventured to engage in an undertaking, which must not only introduce a change in almost every tax, and alter the mode of keeping all the public accounts belonging to the great sources of revenue, but also involve a variety of considerations respecting the national income and national creditors. Not even a preparatory step having been taken by any of his predecessors in office, it remained for Mr. Pitt to ascertain, by actual investigation, whether there were any difficulties really insuperable; and he determined to make the experiment.

CHAP. VIII. 1787.

After a full and complete inquiry into every part of this extensive and complicated business, by repeated conferences with the most intelligent persons employed in collecting and distributing the different branches of the revenue, and after devoting much time and thought in endeavoring to form an arrangement, which should answer the great purpose in view, without being liable to any serious objection, he submitted to the house of commons the following plan, on the 26th of February. He proposed, that all the existing duties should be abolished, and that in their stead should be substituted one single duty upon each article, amounting as nearly as possible to the various duties it now paid; in doing which, fractions were to be changed for the nearest integer numbers, usually taking the higher rather than the lower number, by which the revenue would gain about 20,000*l.* a year. And he farther proposed, that, instead of keeping separate and distinct funds as at present, the produce of all taxes and duties whatever should form one general fund, to be called the consolidated fund, out of which the public creditors of every description were to be paid, and the surplus of which was to be applicable, under the direction of parliament, to the services of the current year.

It was obvious, that by this arrangement the

security of every public creditor would, in some degree, be affected; but Mr. Pitt contended, that the state had a right, consistently with good faith to its creditors, to make such alterations in the nature of its securities, as it might judge necessary or expedient; provided that, in every such alteration, care was taken to substitute a security substantially equivalent to that which was removed. To dispute this right of the legislature to modify the security which it afforded to the public creditors, would, if carried to its full extent, absolutely preclude the possibility of a change being made in any tax, when once imposed. To obviate, however, every imaginable objection, on the head of public faith, to the new system, Mr. Pitt proposed, that in the event of all the several funds, when consolidated, becoming insufficient to defray the interest of the public debt, the deficiency should be made good out of the supplies of the year.

It has been mentioned in a former chapter, that many of the subsidies were appropriated to the payment of certain annuitants; and as some of these annuitants were entitled to priority of payment, a particular provision was necessary for this class of public creditors. The privilege of prior payment arose from the terms of the several loans, by which certain funds

CHAP. VIII. 1787.

were raised for the payment of the interest of such loans, and the surplusses were directed to be carried to the old aggregate fund, out of which other annuitants were to be paid. This right of priority could be maintained as effectually, by paying all the annuitants out of one general fund, as by first paying some out of the separate funds, and the rest out of the surplusses of those funds, provided that out of the general fund the first payments were actually made to the annuitants entitled to that priority. In point of fact, however, the annuitants were not paid out of the respective funds appropriated to their different annuities, but every part of the business, relative to the national debt, was already conducted at the bank, nearly in the same manner it would be, when the whole of the revenue should be consolidated into one general fund. The annuitants were scarcely aware of their own privilege; and deriving no advantage from it, considered themselves upon the same footing as the other creditors of the state. But although this was really the case, Mr. Pitt thought it right to obtain the consent of all holders of stock, the interest of which was charged upon appropriated duties; and therefore he proposed, that if they did not signify their dissent to the governor and company of the bank of England, before the first of the

following June, they should be deemed to have consented to the plan—such was Mr. Pitt's scrupulous regard to public credit, and his anxiety to remove every apprehension, and to obviate every objection, upon that delicate subject.

Mr. Pitt added several other regulations of a beneficial nature, connected with the main object of the plan. The multiplicity of oaths at the custom-house, was justly complained of as leading to frequent perjury. Under the existing laws the value of goods subject to a duty ad valorem (in the custom-house phrase) was ascertained by the oath of the importer; but provision was now made, that in future the duty should be regulated by a written declaration of the value, by the owner or his agent; and to secure the revenue, the custom-house officer was authorized, if he suspected any fraud, to take the goods for the public at the price of ten per cent above the value declared; and again, to secure the vigilance of the custom-house officer, he was to have a moiety of any sum for which the goods might be sold above the declared value and the ten per cent.

Money arising from life annuities not claimed for three years, of which a large sum was accumulated, was to be paid over to the commissioners for the reduction of the national debt;

CHAP. VIII. 1787.

and money arising from casual or unappropriated revenue, which had frequently lain dormant for a considerable time in the exchequer, till voted specially for the public service, was to be carried from time to time to the consolidated fund.

In former administrations, when taxes were imposed to pay the interests of loans, it was seldom or never known, whether the produce of those taxes was equal to the charge incurred; and it had been discovered, after Mr. Pitt came into office, that there were instances, towards the end of the Amercian war, of the produce of a particular duty having been diminished by an additional tax imposed upon the article: Mr. Pitt therefore provided, that there should be laid annually before parliament, an account of all future additions to the annual charge of the public debt, by the interest of any loan which shall have been negotiated within ten years, together with an account of the produce, in the preceding year, of any duties which shall have been imposed, or of any additions which shall have been made to the revenue, for the purpose of defraying any charge occasioned by such loans respectively.

He also proposed, that accounts should be kept of the produce of those duties which were

the hereditary property of the crown, but, for the life of the king, formed a part of the income of the public, in consequence of a fixed sum having been granted to his majesty for defraying the expences of the civil list*, that, in the event of a demise, the interest of the successor might be clearly known and preserved.

After explaining these provisions, which he wished to form part of the bill, he acquainted the house, that having stated the general outlines of his plan, he should not at present enter into the detail of the several resolutions necessary to carry it into execution, which were in reality nearly 3000; it was, he said, his intention to trouble the house at some future opportunity, with his sentiments upon such as were of most consequence; and he pledged himself, that he would not suffer a single one of the whole number, which was likely to produce any variety of opinion, to pass without calling the attention of the house particularly to it, that a matter of such importance might have the most ample and wary discussion in

* The first establishment of a civil list was in the time of William the third, when it was fixed at 700,000*l.* a year. In the first year of every subsequent reign a grant has been made for the same purpose, in lieu of the hereditary revenue. The sum granted to George the third was 800,000*l.* which was afterwards encreased to 900,000*l.* a year.

CHAP. VIII. 1787.

all essential points. He assured the house, that he had himself given no moderate share of attention to this business: that he had not left one person unconsulted, from whom any information could be obtained; that the plan had been referred to the commissioners of the boards of revenue, who had given it their unqualified approbation; and that the greatest diligence had been used to circulate it among the most intelligent and respectable of those who were immediately concerned in its operation and effects, the merchants and traders, by whom it had been received with the highest satisfaction: he could not therefore but flatter himself, that he came forward supported by the best of all possible authorities, the information of the most enlightened persons in all parts of the business, and the universal consent of those who were most interested in the measure. But as it was a question of such vast moment, and ran into so very extensive a detail, he could not but earnestly request the house to pay it the most serious regard in all its branches, that the good intentions of those, who were instrumental in framing it, might not in any instance be frustrated by mistakes, inaccuracies, or even clerical errors, to which so very various and complicated a subject must be liable. He should content himself for the

present, with moving a general preliminary resolution, confined to the main principle of the plan; and should allow time, before he again submitted the subject to the house, for a full consideration of the long printed list of articles, which were to be included in the different resolutions, that gentlemen might direct their attention to those particulars, of which they were best qualified to form a judgment.

Immediately after Mr. Pitt had moved a resolution "that all duties of customs, excise, and stamps, do cease and determine, and that other duties be substituted in their stead," Mr. Burke rose and declared, that the measure itself was so obviously necessary, beneficial, and desirable, and the right honorable gentleman had opened it with such extraordinary clearness and perspicuity, that he thought it did not become him, or those, who, like him, unfortunately felt it to be their duty frequently to oppose the measures of government, to content themselves with a sullen acquiescence; but it behoved them to rise up manfully, and, doing justice to the right honorable gentleman's merit, to return him thanks, in behalf of themselves and the country, for having, in so masterly and intelligible a manner, brought forward a plan of consolidation

CHAP. VIII. 1787.

of duties, which promised ease and accommodation to the merchant, and to all those concerned in the trade and commerce of the kingdom, and advantage and encrease to the revenue. Sir Grey Cooper*, who was also an opposition member, said, that Mr. Pitt had stated and explained the whole proposition, and all its parts, with so much knowledge and perspicuity, and thrown a matter of great difficulty and complexity into so clear an arrangement and perspective, that, as far as he at present understood it, the plan commanded his entire approbation, if that was of any value. He had always conceived, that the chief difficulty in the formation and execution of a plan for the consolidation of the duties, was, the necessity of changing and altering the appropriation of those duties which were specifically destined by acts of parliament for the security of the creditors of the state, at different periods, particularly such as, anterior to the establishment of the sinking fund in the time of George the first, had, as the right honorable gentleman very fairly stated, a priority and preference in the payment of the interest of their debts; but Mr. Pitt, he said, had pro-

* Sir Grey Cooper had been secretary of the treasury 16 years, and was one of those, who, during that period, had frequently admitted the necessity of consolidating the duties.

vided for this difficulty in a manner unexceptionable and perfectly satisfactory. Mr. Thornton, an eminent merchant in the city of London, and member for Hull, one of the principal trading towns in the kingdom, confirmed Mr. Pitt's statement, relative to the trouble and inconveniences experienced from the complicated and very perplexed state of the custom-house duties; and declared, that he had conversed with several intelligent officers of the customs, and many respectable merchants, upon the proposed plan of consolidation, all of whom agreed, that it would be a most essential accommodation to the business of shipping, entering, and landing of goods. Mr. Fox candidly acknowledged, that he thought exactly with the right honorable gentleman, who had so clearly and perspicuously opened the plan to the house; and that the objection, which he had entertained, respecting the appropriated funds and public creditors, was totally done away by the intended provisions on that subject.

The duties to be imposed in consequence of the commercial treaty with France, varied, in respect to many articles, from the general rates; and Mr. Pitt proposed to add a separate schedule for them at the end of the act, that there might be only one law to refer to

CHAP. VIII. 1787.

in all cases. This, however, was strongly objected to, on the ground of their being distinct measures; and it was asserted, that the blending them together could only be done with a design of keeping the commercial treaty, as much as possible, out of sight: to which Mr. Pitt replied, that as far as the settlement of duties was concerned, they were parts of the same system, and could not with propriety be divided. He added, that the general merits of the commercial treaty had been already decided upon; and that by his proposal there would be the same opportunity of offering opposition or amendment to any particular resolutions which related to that subject, as if they were to form a distinct bill. There were two divisions in favour of the whole being incorporated into one bill, in one of which the numbers were 137 and 64, and in the other 184 and 65. Mr. Pitt, in the different stages of the business, explained all his numerous resolutions, and all the various articles comprehended in his plan, to the entire satisfaction of the house; and the bill passed without the slightest objection to the consolidation of the duties, which, it was universally acknowledged, would afford great convenience and dispatch at the custom-house, and also be useful in the collection of the other branches

of the revenue, while the security of the public creditors would be preserved and improved. Not a single stockholder, who had a right to priority of payment, objected to the plan. 1787.

Mr. Pitt, in opening the budget on the 20th of April, informed the house, that the flourishing state of the revenue would enable him to provide for all the services of the current year, and apply the million towards the reduction of the national debt, without any loan or the imposition of any new tax: he expressed the greater satisfaction in making this statement, as it had not yet been found practicable to reduce the army and navy to the intended peace establishment*; and as the revenue last year had been materially affected by two circumstances, a considerable suspension of trade while the commercial treaties† were depending, and uncommonly bad crops in the West Indies, which, in the single article of sugar, had caused a deficiency in the customs of 350,000*l.* Notwithstanding this excess in the public expences, and these unforeseen defalcations in the public income, both of which

* The excess of the navy service above the estimate of the select committee, which Mr. Pitt professed to follow, was, 486,000 *l.* and of the army 231,169*l.*

† Besides the treaty with France, commercial treaties with Spain and Portugal were depending.

CHAP. VIII. 1787.

were of a temporary nature, the exchequer afforded a surplus of 91,000 *l.* after providing for all the services of the year, the ways and means amounting to 6,767,000 *l.* and the supplies to 6,676,000 *l.* the particulars of which two sums Mr. Pitt enumerated with his usual readiness and perspicuity. He considered the revenue as decidedly improving, and as likely to encrease materially with the new spring which trade must necessarily experience, in consequence of the commercial treaty with France.

Mr. Fox and Mr. Sheridan would not admit, that the finances of the kingdom were in so good a condition as Mr. Pitt represented; and after pointing out what they denominated errors and fallacies, called upon him to impose additional taxes to supply the alleged deficiency. Mr. Pitt defended his estimates and statements, and contended that it was the duty of a chancellor of the exchequer to endeavor to find out the means of giving vigor to the collection of taxes already established, and thus to render them more productive, rather than to multiply the burdens of the people.

In making this observation, Mr. Pitt probably had in his contemplation, among other measures, a bill, which he introduced a few days afterwards, for the purpose of authorizing

the board of treasury to let out to farm the duty upon post horses; and, nothing of this kind having ever been adopted in this country, he had given previous notice of his intention, that the house might consider the general idea, before the plan itself was actually proposed. He now stated, that the fraudulent practices respecting this tax were matter of such notoriety, that he believed they had not escaped the notice of a single gentleman who heard him. The tax was indeed paid by the traveller, but through a collusion between the collectors and the innkeepers, a large proportion of it never found its way into the exchequer. To correct so great an abuse, and to secure to the public the receipt of the money, which the individual was compelled to pay, he proposed that the kingdom should be divided into districts, and that the duty for each should be let by auction for three years, under an expectation, that the tax would be let nearly for its real value, as the contractors would have an interest in enforcing the strict and regular payment of the duty. To make it certain, however, that the revenue should not suffer by this experiment, the tax for each district was to be put up at the greatest sum it had ever yet produced in that district. The whole produce of the tax was only 166,000*l.* a year, and

CHAP. VIII. 1787.

the expence of collecting it was 17,000*l.* a year, being more than ten per cent.

It was objected that the principle of this bill was repugnant to our constitution and to the general system of our finance; and that it might lead to oppression, as it did in France, where the taxes were generally farmed, especially if it were extended to other branches of our revenue. Mr. Pitt did not allow, that there was any solid foundation for these objections: the turnpike tolls, which were analogous to the post horse duty, were almost universally farmed; and the cross letter postage was for many years let to the gentleman who first suggested it; and in neither case had any inconvenience been experienced, nor had there been any complaint of injustice, oppression, or breach of the constitution. It was true, that such a principle did generally obtain in some countries of more despotic and arbitrary forms of government than ours, and perhaps some degree of oppression might arise from the manner in which the principle was there carried into effect; but this oppression was not to be attributed to the system of farming the revenue, but to the form of government, which would of itself naturally lead to arbitrary and oppressive modes of collection. In those countries there was not, as in this, a parlia-

ment, jealous of the rights and liberties of their fellow-subjects, and able to protect them: there the farmers were invested with their powers by the crown singly*, whereas in Great Britain no such powers could be given without the consent of the house of commons, even if a minister should be desirous of having them granted. In the case now under consideration, the sum to be paid was definite and well-known, and the farmers were to have only the same powers as the collectors now had, against which there had been no complaint: there was therefore not the slightest danger of any oppression. As to extending the principle to other taxes, of which apprehension was expressed, he denied that he had any such intention; and desired the house to consider, whether there was not something in the post horse duty, which rendered it peculiarly proper to be placed under the proposed regulation, and would not be found in any other branch of the revenue. He urged the necessity of a vigorous and effectual collection of the taxes, as the only means of

* In France, to which Mr. Pitt particularly alluded, the farmers general held in their hands the collection of the revenue. Whenever the king wanted money, he applied to them, as he could borrow of no other persons; but before they would consent to lend him the sum he required, they usually demanded new powers to assist them in enforcing the payment of the revenue.

CHAP. VIII. 1787.

supporting the credit and power of the country. The bill was opposed in almost every one of its stages; but after several divisions, all greatly in its favor, it passed the house of commons. In the house of lords there was only one short debate, and no division.

These were Mr. Pitt's principal measures in the present session: but there were some important subjects brought forward by other members, in the discussion of which he took a leading part, and which it will therefore be proper to notice.

In the struggle between Mr. Pitt and Mr. Fox, and at the general election by which it was followed in 1784, the dissenters had warmly espoused the cause of Mr. Pitt; and therefore conceiving that they had a right to expect his support in return, they considered the present as a favorable time for an application to parliament, for the removal of the disabilities, to which they were subject, and of which they had long complained. As a preparatory step, they circulated among the members of the house of commons, a paper entitled, "The case of the protestant dissenters with respect to the corporation and test acts," in which they plausibly and ably stated the grounds

upon which they claimed relief from what they represented as unjust and unnecessary hardships. CHAP. VIII. 1787.

The former of those acts was passed in the year 1661, immediately after the restoration of our civil and ecclesiastical constitution, which had been overthrown through the united influence of various classes of dissenters from the church of England; and one of its provisions was, that no person should be eligible into any corporation, who should not, within one year previous to such election, have taken the sacrament of the Lord's supper, according to the usage of the church of England. The latter was passed in 1672, when the conduct of the king upon the throne justified a strong suspicion, that he was inclined to popery*, and the presumptive heir to the throne was a professed papist, circumstances which excited a very great and general alarm in the minds of the real friends of civil and religious liberty; and therefore this act required, that every person, who should accept any civil office, or a commission in the army, or navy, should, within six months after such acceptance, receive the sacrament of the Lord's

* It has now been ascertained, that he had actually at that time entered into a treaty with Louis XIV, for the re-establishment of popery in this kingdom. Vide Rose's observations on Fox's History.

CHAP. VIII. 1787.

supper, according to the usage of the church of England, in default of which, he should be incapable of holding the office or commission, and be subject to certain penalties and disabilities. Though the corporation act was more immediately directed against protestant dissenters, and the test act against papists, from the peculiar circumstances of the times when they were respectively passed, yet each comprehended both descriptions of dissenters; and the promoters and supporters of each, while depending in parliament, avowed, that their object was, by withholding political power from those who were enemies of the established religion, to prevent the recurrence of the evils which had been recently experienced. The receiving the Lord's supper in the manner directed by the liturgy, was considered as the best proof which could be adduced, that a person was a member of the church of England; and it was evident, both from fact and reason, that to no other hands could situations of authority and trust be committed, with safety to the constitution. "These acts," says Mr. Justice Blackstone, "were two bulwarks erected to secure the established church against perils from non-conformists of all denominations; infidels, turks, jews, heretics, papists, and sectaries;" and they were unquestionably

in a high degree instrumental in averting, by their restrictive operation, the dangers with which the nation was threatened under James the second. At the revolution, the great and wise men, by whom that glorious event was accomplished, and who carefully revised the fundamental laws of the kingdom, continued these acts as essential to the preservation of the constitution in church and state; but at the same time being desirous, that no restraint should be imposed upon private judgment, they gave to dissenters, by the toleration act, which was then passed, "a full liberty," as the same excellent author expresses it, "to act as their consciences shall direct them, in the matter of religious worship."

The dissenters, however, not content with the enjoyment of this liberty, prevailed upon Mr. Beaufoy, who was a member of the church of England, and a zealous supporter of administration, to make a motion on the 28th of March in this year, for the repeal of the corporation and test acts. Mr. Pitt was fully sensible of the part, which the dissenters had taken in his favor; but in a question of this public importance, he could not allow any private consideration to have weight; and being convinced, after mature reflection, that the repeal of these acts would be attended with

CHAP. VIII. 1787.

the most mischievous consequences, he felt it to be his indispensable duty to resist the motion. He said, that it was not an application to relieve a class of men from any reproach or odium, or from religious restraint, as the dissenters were in possession of perfect toleration, and of complete freedom to serve God in the manner they themselves preferred; that there was a wide difference between the participation of the offices of state and liberty of conscience; that offices of state and situations of public authority, being intended for the maintenance and support of the established government, ought not to be placed in the hands of any persons, who were not well affected to that government in all its essential parts; that in every society there must be a restriction of rights, and that in this kingdom certain qualifications were required in a variety of instances; that the present attempt of the dissenters was to acquire political power, which being a trust for the benefit of the community, and not the right of any individual, might be withholden from one part of the community, provided the general interest rendered such a limitation necessary; that though the dissenters disclaimed any hostile intention towards the church, he must look to human nature for the springs of human actions; that some dis-

senters declared, that the church of England is a relique of popery, and others, that all establishments are improper; that though these opinions might not universally prevail among them, no means could be devised to admit the moderate part of the dissenters, and exclude the more violent; that indeed all sectaries were naturally desirous of extending the influence of their peculiar opinions, and if they saw an opening fairly before them, would introduce changes, and subvert what they believed to be erroneous; that a barrier must therefore be kept up against all, by every prudent and proper precaution; that it was impossible to separate the ecclesiastical and political liberties of this country; that the church and state were united upon principles of mutual expediency, and by indissoluble ties; that it concerned those, to whom the well-being of the state was entrusted, to take care, that the church be not rashly endangered, the ruin of which must involve the ruin of the state; that it was the right of every legislature to establish such tests as should appear to be most conducive to the public good, and that there was no more reason for considering the exclusion of dissenters from offices a disgrace or punishment, than any other distinction which upheld our political government; that no man was looked

CHAP. VIII. 1787.

upon as disgraced or punished, because he had not a vote for a city, a county, or a borough: he expressed the highest respect for the present race of dissenters, and admitted that the spirit of moderation, by which they were distinguished, recommended them to the protection of government; but he maintained, that they already enjoyed every indulgence consistent with the safety of the civil and ecclesiastical establishments. The motion was rejected by a majority of 176 to 98.

THE pecuniary embarrassment of the prince of Wales was brought before the house of commons in the present session, and gave rise to the mention of another subject relating to his royal highness, of a still more delicate and interesting nature. The prince of Wales coming of age in 1783, Carlton-house was assigned him as a residence; 60,000*l.* were voted by parliament to defray the expences of first establishing a separate household; and an allowance of 50,000 *l.* a year was made him by his majesty out of the civil list, exclusive of the revenues from the duchy of Cornwall, amounting to 12,000*l.* a year*. This income

* This settlement was made during the coalition administration; and it was evident from the debates, which then took place in the house of commons, that the ministers pro-

proved so inadequate to the expences of his royal highness, that at midsummer 1786, he had incurred debts to the amount of upwards of 160,000*l.* of which the king was informed; but his majesty, after some correspondence upon the subject, declining to afford the prince any assistance, his royal highness instantly stopped the buildings and improvements going on at Carlton-house, sold most of his horses, and dismissing the officers of his court, reduced his establishment to that of a private gentleman, for the honorable purpose of applying a considerable part of his income to the discharge of his debts*. This mode of living was continued for nine months, greatly to the regret of all who wished to see the high station of heir apparent to the throne supported with suitable dignity and splendor; but in the mean time very little progress was

posed to the king, that the income of the prince should, by a grant of parliament, be made 100,000*l.* a year, including the duchy of Cornwall, to which his majesty would not consent. It was generally believed, that this difference of opinion very nearly caused the resignation of ministers; but that the prince, who had been always friendly to them and wished their continuance in office, interposed, and declared his readiness to accept whatever his majesty might think proper.

* From the same motive the prince of Wales was desirous of going abroad in the preceding year, but upon the king's objecting to it, his royal highness immediately gave up the idea.

CHAP. VIII. 1787.

made in diminishing the debts, on account of their large amount and the accruing interest. An application to parliament appeared to be the only means by which his royal highness could be effectually relieved from his present difficulties, and restored to the comforts and enjoyments belonging to his exalted rank. It being determined to adopt this measure, Mr. Alderman Newnham, who was one of the members for the city of London, and connected with the opposition party, and who afterwards avowed that he acted with the consent of the prince, rose in the house of commons on the 20th of April, and asked Mr. Pitt, whether it was his intention to bring forward any proposition to extricate the prince of Wales from his embarrassed and distressed situation; and upon Mr. Pitt's replying, that he had received no commands from his majesty upon the subject, without which he could not submit a business of that nature to the house of commons, Mr. Newnham gave notice, that on the 4th of May he would make a motion respecting his royal highness the prince of Wales. The subject was renewed on several subsequent days, and upon one of those occasions, Mr. Newnham, in consequence of a request from Mr. Pitt, to know the precise object of his intended motion, informed the

house, that he should propose an address to his majesty, praying him, "to take into his royal consideration the present embarrassed state of the affairs of his royal highness the prince of Wales, and to grant him such relief as he in his royal wisdom should think fit, and that the house would make good the same." Mr. Rolle* immediately expressed his concern, that the worthy alderman persisted in his design, as the question might involve matter, "essentially affecting the constitution both in church and state." These words were understood to refer to a report, which prevailed and was then very generally believed, that a private marriage had taken place between the prince of Wales and a lady who was known to be of the roman catholic religion; and on a following day, Mr. Fox, after observing, that such a marriage could not possibly have taken place legally†, declared, that he was authorized by the prince of Wales to assure the house, that "no such marriage had taken place in any way whatsoever, the report being a base and malicious falsehood: he did

* Afterwards lord Rolle.

† By the royal marriage act, 12 Geo. 3, the marriage of any member of the royal family (except the issue of princesses married into foreign families) without the previous consent of his majesty signified under the great seal, and declared in council, is null and void.

CHAP. VIII. 1787.

not deny the calumny, merely with regard to the effect of certain existing laws, but he denied it in toto, in fact as well as in law." This unequivocal and authentic assurance upon a point, which had excited a strong sensation throughout the kingdom, and was in itself of the utmost importance*, could not but be highly satisfactory both to parliament and to the public.

From the conversations which took place in the house of commons upon the prince's debts, it was evident, that a coolness subsisted between the king and the prince; and that the members, who opposed his majesty's government, possessed his royal highness's confidence. All parties, however, concurred in deprecating a hostile debate, and in professing an earnest desire, that some accommodation should be effected. Mr. Pitt contended, that a proposition of this sort ought not to originate in parliament, and said, that his knowledge of some circumstances connected with the subject, made him extremely anxious, that it should not be agitated without previous communication from his majesty; but at the same time he declared, that if the discussion should

* By the act of settlement, 1 Will. and Mary, the marriage with a papist renders a person "for ever incapable to inherit, possess, or enjoy the crown of this kingdom."

be forced upon the house, in the manner of which notice had been given, it would be his duty, however painful it might be, and whatever offence he might give in a certain quarter, to enter fully and without reserve into the business; and in particular, to state the substance of a correspondence between the king and the prince of Wales relative to his royal highness's debts; from which it would appear, that an appeal to parliament had not been rendered necessary by any backwardness in his majesty to do what ought to be done on his part. On the other hand, the friends of the prince declared, that his royal highness was willing, that every part of his conduct should be minutely and accurately investigated; and that he was ready, as a peer of the realm, to give explicit answers to any questions which might be put to him in the house of lords, or to afford his majesty or his ministers any explanation which might be required.

Though Mr. Pitt was determined not to shrink from making any statement, or from delivering his sentiments with any degree of freedom, which duty to his sovereign and to the country, and what he considered to be the real interest of the heir apparent, might demand, yet his mind was so strongly impressed with the impropriety of a public and circum-

CHAP. VIII. 1787.

stantial inquiry into the prince's debts, that he felt it incumbent upon him to endeavor, by every method in his power, to prevent the intended motion; and therefore, with the hope of accomplishing that object, he solicited an audience of the prince, which was readily granted on the 3d of May. After a conference of two hours, he was honored with a message from his royal highness to the king, which he delivered in person immediately, and in the evening communicated to the prince, in writing, his majesty's answer. This beginning of the negotiation, although confined to general assurances, promised so favorable a result, that on the following day, Mr. Newnham informed the house, that there was no longer any necessity for the motion of which he had given notice. This intelligence called forth strong expressions of joy from all sides of the house. On the morning of the 5th, Mr. Pitt was ordered to attend at Carlton-house at two o'clock of that day, and to carry with him a confidential friend. Mr. Dundas, accordingly, accompanied him; and upon their being admitted to the prince, they found Mr. Sheridan with his royal highness. After some conversation relative to the debate in the house of commons the preceding evening, in which the prince expressed himself satisfied with what Mr. Pitt

had said, Mr. Pitt took an opportunity of observing to the prince, that he was ready to enter into any explanation concerning his own personal conduct, before the gentlemen then present; but he trusted that his royal highness would pardon him, if he took the liberty of saying, that it was impossible for him to receive any commands from his royal highness, as his majesty's servant, in the presence of any third person, especially one, who was in habitual opposition to his majesty's government. In consequence of this declaration, the prince of Wales desired Mr. Dundas and Mr. Sheridan to withdraw; and his royal highness then conversed unreservedly and in detail with Mr. Pitt on the subject of his pecuniary embarrassments, and concluded with a proposal which he wished to be submitted to his majesty by Mr. Pitt, and which he allowed him to take down in writing. The answer, with several subsequent communications between the king and the prince, passed through the same channel; and an arrangement being at length settled, through the influence and advice of Mr. Pitt, which included both the present debts and future allowance and estimated expences of his royal highness, he delivered to the house of commons the following message from his majesty, on the 21st of May.

CHAP. VIII. 1787.

"It is with great concern his majesty acquaints the house of commons, that, from the accounts which have been laid before his majesty by the prince of Wales, it appears that the prince has incurred a debt to a large amount, which, if left to be discharged out of his annual income, would render it impossible for him to support an establishment suited to his rank and station.

"Painful as it is at all times to his majesty to propose any addition to the heavy expences necessarily borne by his people, his majesty is induced, from his paternal affection to the prince of Wales, to recur to the liberality and attachment of his faithful commons, for their assistance on an occasion so interesting to his majesty's feelings, and to the ease and honor of so distinguished a branch of his royal family.

"His majesty could not, however, expect or desire the assistance of the house, but on a well-grounded expectation that the prince will avoid contracting any new debts in future. With a view to this object, and from an anxious desire to remove every possible doubt of the sufficiency of the prince's income to support amply the dignity of his situation, his majesty has directed a sum of ten thousand pounds per annum to be paid out of his civil

list, in addition to the allowance which his majesty has hitherto given him; and his majesty has the satisfaction to inform the house, that the prince of Wales has given his majesty the fullest assurances of his firm determination to confine his future expences within his income; and has also settled a plan for arranging those expences in the several departments, and for fixing an order of payment under such regulations, as his majesty trusts will effectually secure the due execution of the prince's intentions.

"His majesty will direct an estimate to be laid before the house, of the sum wanting to complete, in a proper manner, the works which have been undertaken at Carlton-house, as soon as the same can be prepared with sufficient accuracy; and recommends it to his faithful commons to consider of making some provision for that purpose."

An account of the expenditure and debts of the prince of Wales, was, by his majesty's command, laid before the house of commons on the 23rd; and on the following day, upon the motion of Mr. Pitt, the house unanimously, and without a single observation from any other member, voted an address to the king, requesting his majesty to advance 161,000*l.* for the payment of the debts of the prince of Wales,

CHAP. VIII. 1787.

and 20,000*l.* on account of the works at Carlton-house*. Thus had Mr. Pitt the satisfaction of bringing this delicate business to a termination highly acceptable to all parties; and the prince of Wales immediately resumed the establishment suited to his rank and station in the country.

The proceedings against Mr. Hastings were recommenced at an early period of the session, and were continued to the end of it, at such intervals as the pressure of other business permitted. On the 7th of February, Mr. Sheridan brought forward the fourth charge relative to the resumption of the jaghires, and the confiscation of the treasures, of the princesses of Oude, in a speech which lasted upwards of five hours and a half. Never, perhaps, in antient or modern times, was any speech received with more general and unbounded admiration—nor was this all; it produced conviction in opposition to strong prepossessions. Such indeed was the effect upon the minds of all who heard

* It was by no means expected that this sum would cover all the expences at Carlton-house. In the two following years, 35,200*l.* were granted by parliament for the same purpose; after which, farther large sums were expended. The estimate of the sum necessary to complete the works at Carlton-house, promised in his majesty's message, was never laid before the house of commons.

this wonderful display of eloquence, in which were united the most brilliant language, the most persuasive argument, and the liveliest animation, that when Mr. Sheridan sat down, the whole house—members, peers, and strangers—involuntarily joined in a tumult of applause, and adopted a mode of expressing their approbation, new and irregular in that house, by loudly and repeatedly clapping their hands. At length, after a considerable interval, a young member, who had never before risen in the house, attempted a reply; but being unable to command attention, he was soon under the necessity of sitting down. Several members having acknowledged, that their sentiments had been materially changed by the facts which had been adduced, and the reasoning with which they had been accompanied, an adjournment of the debate was proposed, to afford time for the dispassionate consideration of the question, and to avoid coming to a vote, while the minds of members were under the fascinating impression of Mr. Sheridan's speech. This unprecedented reason for adjournment was strongly opposed by Mr. Fox; but Mr. Pitt contending that many circumstances had been brought forward "in the truly eloquent speech of the honorable gentleman," which required reference and

CHAP. VIII. 1787.

investigation, before any decision could properly be formed, the motion for adjournment was carried without a division.

On the next day the debate was resumed, and in the course of it, major Scott entered into a long and elaborate defence of Mr. Hastings. He was followed by Mr. Pitt, who began by observing, that as he had ever been of opinion, the charge relative to the princesses of Oude was that, of all others, which bore the strongest marks of criminality and cruelty, so he had been peculiarly careful to guard against every species of prejudice, and to keep his mind open for the reception of whatever might on the one hand tend to establish innocence, or on the other to bring home conviction of guilt; and in order the better to enable himself to form a right judgment, he had, with the utmost minuteness and attention, compared the charge, article by article, with the evidence adduced at the bar, and with the various documents presented to the house, or any where to be found within his reach. He was glad that the debate had been adjourned, as he was now prepared to deliver his sentiments with much greater satisfaction to himself, than he could have done the preceding evening. The charge had been brought forward with such unexampled elo-

quence and ability, as to furnish additional reason for his rejoicing at the interval which had been afforded to the house, since it gave him an opportunity of coolly weighing and considering the arguments, which came with such irresistible force from the honorable gentleman, who had yesterday introduced the motion, as well as of inquiring into some transactions which he (Mr. Sheridan) had placed in a new point of view; and the result of his deliberation was, that he should give his decided support to the motion. He then entered into an examination of all the important parts of the charge, and stated the grounds upon which he considered Mr. Hastings's conduct as utterly unjustifiable, in authorizing the resumption of the jaghires, and the seizure of the treasures, of the princesses of Oude; urging, that these crimes were highly aggravated by his making a son the instrument of robbing his mother*, and by his refusing to revise the proceedings against the princesses, in obedience to the orders of the directors. But though Mr. Pitt coincided in opinion with Mr. Sheridan, upon the subject

* The princesses of Oude were the mother and grandmother of the nabob, who by the direction, and under the sanction, of Mr. Hastings, had resumed their jaghires (which were in the nature of jointures) and seized their treasures.

CHAP. VIII. 1787.

of the charge, and joined in the general admiration of his speech, he blamed him for the bitterness and acrimony with which he spoke of Mr. Hastings.

Mr. Sheridan expressed himself much gratified by Mr. Pitt's approbation and concurrence, and acknowledged, that whatever differences, and even warm altercations, there might be between the opposite sides of the house upon political subjects, it now appeared, that when a great national question, which called for the aggregate support of parliament, came before the house, Mr. Pitt, laying aside all party considerations, was ready, in an open and manly way, to come forward, and prove himself a minister, who felt for the honor and character of that house, and for the honor and character of the nation. With regard to the imputation of undue severity in some parts of his speech, he declared that he was incapable of malignant feelings towards Mr. Hastings or any other person. The motion was carried by a majority of 175 to 68.

On the second of March Mr. Pelham* opened the charge relative to the nabob of Farruckabad, in which he accused Mr. Hastings of withdrawing his protection, as governor general of India, from that prince, in conse-

* Afterwards earl of Chichester.

quence of having received a present of 100,000*l.* from the nabob of Oude; of repeated instances of breach of faith; and of being the primary cause of all the hardships and oppressions which the nabob of Farruckabad had for many years suffered from the nabob of Oude, under whom he held his dominions, and to whom he paid an annual tribute.

After several members had spoken upon both sides of the question, lord Hood argued very strenuously in favor of Mr. Hastings, upon the ground, that great allowance ought to be made for persons placed in high and responsible situations, who frequently found themselves compelled to act in a manner not perfectly consonant with the strict rules of equity and justice: he declared, that he had no connection or acquaintance with Mr. Hastings, but that he admired his character, and believed him to have been the preserver of India to this country: he considered his eminent services and real merit as greatly outweighing his errors and delinquencies; and he feared, that any censure or punishment of him would operate as a check upon the exertions of governors and commanders in future: his lordship referred to his own conduct in the West Indies, when the fleet under his command was in extreme distress from the want

CHAP. VIII. 1787.

of bread, and he obtained a supply by resorting to means not authorized by law.

Mr. Pitt did not think it right to suffer these sentiments and principles to pass without notice: he declared, that he should have rested content with giving a silent vote on the question, were it not that he felt himself called upon to say something in answer to what fell from the noble lord (lord Hood,) behind him. After paying many compliments to lord Hood in his private as well as his professional character, and observing that his meritorious services as a commander were only to be equalled by the purity of his conduct as an individual, he said, that the argument which he had used, came with a peculiar force from a person of the noble lord's description, because no man, who heard it, could doubt its sincerity. Still, however, it was an argument, which he hoped the house would resist; and while they allowed every degree of strength to the noble lord's principles as applicable to his own conduct and situation, would yet guard against their interference with respect to those of the unfortunate person (for so he must call him,) who was the subject of that day's debate. The noble lord had argued in general, in favor of those, who being entrusted with the great interests of their country,

were sometimes, from the difficulty of their situation, reduced to the necessity, either of sacrificing those interests, or of violating the direct rules of private justice. Such situations were likely to occur, and were certainly much to be lamented; and it was natural for the noble lord to resort to a supposition of such a situation in excuse of Mr. Hastings; conscious as he was, that in the course of his own services he had never suffered such a necessity to operate on him, from any other motives than those of the public welfare, nor ever suffered it to proceed farther than that consideration warranted, and rendered indispensable. He admitted, that in the case of every servant of the public, to whom mighty and momentous concerns were entrusted, it was but just, that when a complaint was made, the grounds of that complaint should be weighed with the situation in which he stood. If he suffered the necessities of the service to carry him no farther than was absolutely requisite, and endeavored, though it could not be done in its full extent, to reconcile his duty to his country with that to individuals—he had the double merit of discretion as well as of zeal; nay, even if in his exertions for the public he suffered himself to go beyond the line of strict and urgent necessity, provided it was evident

CHAP. VIII. 1787.

that his intentions were fair and upright,—then, Heaven forbid, that he or any man should deny him his due merit, or say, that the abundance of his zeal ought not to be allowed to make ample atonement for the error of his judgment. In such situations as these, the noble lord, in his long course of services, must have been; and he was convinced, that his conduct under them had always been so regulated, as to reconcile, as far as possible, his political and moral duties. But, he asked, was the conduct of Mr. Hastings, in that part of it now before the house, correspondent to such principles? Was the crime that day alleged against him justified by necessity, or was it of such a size and complexion as any existing necessity could justify? Where a departure was made from justice and right, it was not sufficient to say, that such a step was necessary; it was incumbent on the party to point out and prove the necessity, and the consequences likely to attend a too rigid observance of strict justice and propriety, that a comparison might be taken between the object to be gained and the sacrifice to be made, and a judgment of censure or approbation be founded on the result of such comparison. But in this instance there was no state necessity whatsoever attempted to be shewn;

and therefore there was no ground whatsoever for those, who saw a criminal tendency in the transaction, to refuse their consent to the motion.

Besides this topic of the necessities of his situation, the noble lord had resorted to another in favor of Mr. Hastings, which was, his general merits in the course of his service. There had been a period, he confessed, in which such an argument might have been urged with some force; but that period was now passed. If, at the commencement of the inquiry, it had been urged in favor of Mr. Hastings, that if some parts of his administration had been faulty, yet those faults were highly compensated and fully counterbalanced by the general tenor of his conduct, and the brilliant and meritorious services which he had performed; in that case the house would have had to weigh his crimes against his virtues, and to consider how far his services were to be regarded as a balance against his delinquencies; and whether those delinquencies were of such a nature, as would allow that house, consistently with its own reputation, to admit any balance whatsoever from any services. But such a consideration could not with any propriety take place after the inquiry had once been instituted. The committee

CHAP. VIII. 1787.

were then called upon to determine, not on a general view of facts, the general merits or demerits of the person accused, but on a particular investigation of a particular transaction, the criminality or innocence of that single transaction. Mr. Hastings had thought it advisable to disclaim and relinquish all benefit which he might have expected from a consideration of his services: he had decisively and boldly declared, that in inquiring into the charges against him he desired no set-off might be made on the score of his services; for that he was persuaded, instead of the censure, he would be found to be intitled to the approbation, of that house, even upon the very facts which were made the foundation of those charges, as soon as they should come to be investigated and properly understood. After such a declaration from Mr. Hastings, it would be highly unjust to depart from the line in which he chose to have his conduct considered, and to throw such a shield between him and public inquiry; nor, after having proceeded so far, could the house, consistently with its own honor, now stop upon any such principle as the noble lord had advanced. Still he admitted, that there remained a stage, in which the merits of Mr. Hastings might and ought to be weighed against his failings; and that

was, when (in case of conviction of the charges laid against him) he came to receive sentence. Undoubtedly, should it appear before that period that there had ever been a time, as has been so often alleged, when India would have been lost to this country, but for his exertions and abilities, certainly such a consideration must have a powerful effect on the minds of those who are to apportion the punishment. With respect to the particular charge then under discussion, it had been already so ably handled, that he should not take up much time of the committee in enlarging upon it; and he would only say, that Mr. Hastings, from his own words, clearly convicted himself of criminality.

He then read a part of Mr. Hastings's correspondence; where, in speaking of the recall of Mr. Shee from Farruckabad, Mr. Hastings acknowledged, "that by so doing he must give up nabob Muzuffir Jung to the oppression of the vizier." Mr. Hastings, therefore, (continued Mr. Pitt,) cannot justify himself for such a step by any plea of wanting sufficient warning of the consequence, having evidently foreseen it; nor have any grounds of necessity been alleged to palliate the measure. But, besides this letting loose the vizier on the nabob of Farruckabad, which he

CHAP. VIII. 1787.

knew would be followed by the ruin and oppression of that unfortunate prince, and that without any necessity, what could excuse his acceptance of a present of such magnitude as that which he had received from the nabob of Oude? Could such a transaction be excused by any degree of necessity? Was there a fleet in want of her necessary supplies; or was any army waiting for subsistence? or did any one branch whatsoever of the public service render so extraordinary a resource requisite? No; it could be justified by no one necessity; it could be accounted for by nothing but corruption.

But what he had chiefly risen for was, to interpose as speedily as possible between the high authority of the noble lord and the feelings of the house, lest they might be led by his arguments to confound the cases—that of a man struggling against a violent necessity, and at length obliged to give way to the exigency of the public service, and deviate into a necessary injustice—and that of a person wantonly committing acts of tyranny and oppression, for which not even a pretence of public service had been alleged. He was by no means apprehensive, that this example of the house of commons of Great Britain taking an active part in bringing those who had

served the state, in the most exalted situations, to justice, would be attended with any bad consequence to the public service; but on the contrary, besides that it was a duty which they owed both to their own and the national character, he looked upon it as the best method of insuring the most scrupulous and dutiful conduct of our several commanders, when they were taught, that parliament would not disgrace itself by screening a public delinquent, how high soever might have been his rank and situation, how brilliant his abilities, or how eminent his services: they would be cautious, when they knew that any deviation from the strict rules of integrity would be judged only by the nature of the necessity which occasioned it; and that although no merits would be considered as an excuse for wilful and corrupt misconduct, yet that even a necessary dereliction of principle could only be excusable by uniform and meritorious exertions.

The motion was carried against Mr. Hastings, by a majority of 112 to 50.

Sir James Erskine opened the charges relative to contracts and salaries, on the 15th of March, in a speech of great length, comprehending a vast variety of matter, and accusing Mr. Hastings of having acted profusely, cor-

CHAP. VIII. 1787.

ruptly, and in direct contradiction to the most positive orders of the directors of the East India company. Mr. Pitt followed sir James Erskine, and entering into a minute and clear examination of every instance of alleged criminality, in the different charges upon these subjects, he acquitted Mr. Hastings of any misconduct of sufficient importance to be the ground of impeachment, except in three points, to which, therefore, he wished the resolution to be confined; and for that purpose he proposed the following addition to the motion, "in respect to the contract for bullocks in the year 1779, that for opium in 1781, and to the increased salary of sir Eyre Coote."

Mr. Burke said, that he could not entirely concur with Mr. Pitt, as to all the particulars which he wished to omit, and proposed an addition of the contracts for salt and rice: upon this the house divided, and Mr. Burke's amendment, though opposed by Mr. Pitt, was carried by a majority of 9, the numbers being 66 and 57. The main question, including both Mr. Pitt's and Mr. Burke's amendments, was afterwards carried by 66 to 26.

Mr. Windham, in opening the 22nd charge on the 22nd of March, accused Mr. Hastings of a breach of the guarantee of the treaty of Rempore, and of unjust and oppressive treat-

ment of Fyzoola Khan, whom he represented as a prince of excellent character, and attached to the interests of the East India company. Mr. Pitt did not speak in this debate, but coinciding in sentiments with Mr. Dundas, who stated the grounds upon which he considered the conduct of Mr. Hastings in these respects as highly criminal, he voted for the motion, which was carried by a majority of 96 to 37.

On the 2nd of April Mr. Sheridan opened the charge relative to presents, in which he accused Mr. Hastings of having repeatedly accepted presents from the native princes of India, for corrupt purposes, in direct violation of the regulating act of 1773, and contrary to the express command of the East India company. Upon this occasion lord Mulgrave and Mr. W. Grenville spoke very strongly against Mr. Hastings, and condemned his conduct as highly criminal: the latter said, that Mr. Hastings had not merely accepted presents, but "had extorted money for his own private use;" and he added, that it was his wish to carry before the august tribunal of the house of lords the man, who had dared to sully the lustre of the British name, and to trample on the sacred inheritance of an unoffending race of people. In truth, the acceptance of presents in a variety of instances, was so clearly proved, that even

CHAP. VIII. 1787.

major Scott could not deny the facts; and the only defence he offered was, that Mr. Hastings had misunderstood the act of 1773, and that he had applied the money to the use of the company; but other members, favorably disposed to Mr. Hastings, acknowledged, that upon this charge they must withdraw their support from him, being convinced that he had acted corruptly, and contrary to what he knew, and had himself admitted, to be the true intention and meaning of the law. Mr. Pitt did not speak in this debate; but was one of 165, who voted for the motion: only 54 voted against it.

The debates upon the separate charges had taken place in a committee of the whole house; and though two charges still remained to be discussed, it was proposed after the above division, agreeably to what had been settled on the 22nd of last month, that a report of those resolutions, which had been already passed, should be immediately made to the house. Before the report, however, was read, Mr. Pitt declared, he felt the utmost anxiety, that in a business of so much importance, such a mode should be adopted, as would leave himself and every other member at full liberty to deliver their sentiments, and give their votes, freely and without difficulty, upon the grand and

decisive question of impeachment. He therefore desired to know, in what manner Mr. Burke intended to proceed: for his own part, having in some of the articles gone only a certain length in his assent, by no means admitting a degree of guilt, of an extent equal to that imputed in the charges, he could not think himself justified in joining in a general vote of impeachment, which might seem to countenance the whole of the several charges as they now stood. The best course in his opinion to be pursued would be, to refer the charges to a committee, that the criminal matter might be selected out of them, and framed into articles of impeachment; on the report of which, the question of impeachment might be moved. He suggested, he said, this mode, because, if the impeachment should be moved, without such a reference and separation of the criminal matter, he should find himself under the necessity of proposing several amendments, for the purpose of confining the effects of each charge to that degree of real guilt, which he thought appeared in it. He waited therefore to be informed, what was the intention of the authors and friends of the prosecution in this respect, that he might regulate his conduct accordingly. Mr. Fox objected to Mr. Pitt's suggestion, contending, that it would be better

CHAP. VIII. 1787.

to agree to the report now under consideration, and immediately to send word to the house of lords, that the house of commons had resolved to impeach Mr. Hastings, and would present articles with all convenient dispatch; reserving to themselves the constitutional right of supplying more articles, whether they should have occasion to exercise that right or not. After a reply from Mr. Pitt to Mr. Fox's speech, Mr. Burke expressed great concern at differing from his honorable friend, and consented to the adoption of Mr. Pitt's suggestion, in which Mr. Fox acquiesced.

The report was then read; and an order was unanimously made, that it should be taken into consideration on the following day, when the several resolutions, six in number, and including nine of the original charges, were agreed to without a division; and on the same day a committee was appointed, upon the motion of Mr. Burke, to prepare articles of impeachment grounded upon those resolutions.

Mr. Francis opened the charge relative to the Bengal revenues, on the 19th of April, and accused Mr. Hastings of a systematic and excessive abuse of his powers over the people directly placed under his government, and over their property; first, on principles absurd, contradictory, and flagitious; secondly,

by means arbitrary, tyrannical, and cruel; thirdly, with effects oppressive and afflictive to the natives, ruinous to the country, destructive to the revenues, and injurious and fraudulent to the India company; fourthly, for purposes of the most abandoned corruption. Mr. Pitt replied to Mr. Francis, and observed, that of all the numerous instances of alleged misconduct in Mr. Hastings, the whole of which Mr. Pitt fully and minutely discussed, article by article, there was only one, which appeared to him to afford a just foundation of criminal charge, namely, the fact of Mr. Hastings having received presents from Kelleram and Cullian Sing, on the settlement made with the zemindars, farmers, and contractors in 1781; and that having been included in one of the resolutions already passed (relative to the acceptance of presents,) he declared his intention of voting against the present motion; but, notwithstanding Mr. Pitt's support of Mr. Hastings in this instance, the motion was carried against him by a majority of 71 to 55.

On the 25th of April Mr. Burke, as chairman of the committee, presented to the house six articles of impeachment; and on the 9th of May he moved, that the house should agree to the report. This motion produced a long

CHAP. VIII. 1787.

and interesting debate, towards the end of which Mr. Pitt rose, and began by observing, that he felt himself called upon to express his entire dissent from the gentlemen, who had contended for the rejection of the articles, and putting an immediate end to the prosecution. After shewing the futility of the arguments, which had been urged by several of the speakers who had preceded him, he said, that he should recapitulate, with all the conciseness in his power, the principal charges; from which it would appear, how impossible it was for him, or for those who coincided with him in opinion, to give any other vote, but that of concurrence with the motion. Though he certainly considered the whole of the charges, in the state in which they were brought forward, as highly exaggerated in some parts, and as not well founded in others, yet in his judgment such a degree of criminality had been authenticated by competent evidence, as fully to warrant that house in proceeding to impeachment.

The chief points of this mass of delinquency were all which he could touch upon; nor would he go into the articles at any length, having already delivered his sentiments at large upon those, in which he was not anticipated by gentlemen who thought as he did. In one

part of the charge of Benares, there was great criminality; in that of the princesses of Oude there was still more, which, indeed, he looked upon as the leading feature in the whole accusation. In the charges concerning Farruckabad and Fyzoola Khan, there was also much criminal matter. In all the above charges, there were instances of the most violent acts of injustice, tyranny, and oppression; acts which had never been attempted to be vindicated, except on the plea of necessity. What that necessity was, had never been proved; but there was no necessity whatsoever, which could excuse such actions as those, attended with such circumstances. He could conceive a state, compelled by the necessity of a sudden invasion, an unprovided army, and an unexpected failure of supplies, to lay violent hands on the property of its subjects; but, then, in doing so, it ought to do it openly, it ought to avow the necessity, it ought to avow the seizure, and it ought, unquestionably, to make provision for a proper compensation as soon as that should become practicable. But was this the principle on which Mr. Hastings went? No; he avowed neither the necessity, nor the exaction; he made criminal charges, and under the color of them he levied heavy and inordinate penalties; seizing that, which, if he

CHAP. VIII. 1787.

had a right to take it all, he would be highly criminal in taking in such a shape; but which having no right to take, the mode of taking it rendered the act much more heinous and culpable. He certainly had no right to impose a fine of any sort on the princesses of Oude; for there was not sufficient proof of their rebellion or disaffection. And the fine imposed on Cheyt Sing, in a certain degree, partook of a similar guilt, though not to so great an extent; for there the crime was, in his opinion, not so much in the fine itself as in the amount of it, in its disproportion to the offence which the party had committed. But this vindication from one part of the charge, in itself so weak, became, when coupled with other parts, a great aggravation; for, when a person on the one hand commits extortion, and, on the other, is guilty of profusion, if he attempts to screen himself, under the plea of necessity, for his rapacity, it follows that he is doubly criminal, for the offence itself, and for creating the necessity of that offence by his prodigality. And in the instance in question, a higher aggravation arises from the manifest, and, indeed, palpable corruption attending that prodigality: To what else could be attributed the private allowances made to Heyder Beg Khan, the minister of the nabob vizier, and the sums paid

to the vakeel of Cheyt Sing, when it was remembered, that the one led the way to the treaty of Chunar, and the other to the revolution in Benares?

The honorable gentleman, who spoke last*, had attempted to excuse all these actions, by shewing that Mr. Hastings was not the person, who first began the interference of the company with the native princes, or who established the influence which it had obtained in their politics; and that the inconveniences attending the double government of Oude, were not to be imputed to him. But, surely, to whomsoever that influence might be originally attributed, Mr. Hastings was answerable for the management of it, as long as it was in his hands, and to excuse him on this plea, would be to justify the tyranny by the power; for though the influence of the company had given him the power to oppress the neighbouring country, it had not imposed on him the necessity of doing so. The honorable gentleman had also attempted to palliate those parts of Mr. Hastings's conduct, by stating, that if he were guilty, he was so in common with the rest of the council: but this, if it were the case, was by no means a sufficient excuse

* Mr. Nathaniel Smith, chairman of the East India company.

CHAP. VIII. 1787.

for him, nor could it be a reason with the house for dropping the impeachment; for his having accomplices in his crimes could be no exculpation; and it would be highly derogatory to the honor of that house, if they were to say,—"No; we will not bring the delinquent to justice, because there are a number of delinquents besides him." Nor would this be a reason even for impeaching the rest; for it was by no means advisable to multiply examples: the proper way was, to select such as, from their exalted and ostensible situations, were the more likely to become an effectual example. But, it was impossible to justify Mr. Hastings on such a ground as this, even if it were tenable at all, because a considerable part of those enormities, with which he was charged, were committed at a distance from his council, and when he was entirely out of the reach of their advice or control.

In the articles of the contracts, there were some glaring instances of breach of orders, and of improvidence and profusion, which, though not of so heinous a nature as those he had before mentioned, were such as called loudly for punishment. But there was another charge, which he was astonished to find the gentlemen who defended Mr. Hastings, could treat so lightly, as it was one, which appeared to him

in itself sufficient to justify the impeachment, if it had stood alone, and was of such a nature as, in a peculiar degree, called for the interference of that house. This was the charge of taking presents, which, in every light, in which it could be viewed, whether as a direct breach of the law which appointed him, a positive evidence of corruption, or a degradation of the character of his employers, was a great and heavy accusation; and as to the excuse which had been offered, that he had received those presents for the use of the company, even that was criminal in a degree. But, for his part, he could not accede to the opinion, either that Mr. Hastings had received those sums with an intention of applying them to the service of the company, or that he had actually applied them at all in that way; for, had that been his intention, he would have kept such accounts, and made such immediate communications of them, as should clearly prove that it was so. But, no such accounts were produced, no such communications were made; and there were, besides, circumstances attending some of them, which proved they must have been received with a corrupt intention. As an instance of this, he should mention the present received by Mr. Hastings from Kelleram, which was attended with the most suspicious of all circum-

CHAP. VIII. 1787.

stances, namely, that this very person was at the time in treaty for a district of land belonging to the company, and no question could be entertained but he gave the money, in order to obtain a favorable bargain: so that had this been done for the company, it was a most unjustifiable and impolitic method of managing their concerns; for, in that case, it should have been negotiated openly in the nature of a fine, and not privately as a bribe, in which latter light alone it ought to be considered.

Mr. Pitt concluded with declaring, "that the house could no otherwise consult their own honor, the duty which they owed to their country, and the ends of public justice, than by sending up the impeachment to the house of lords."

The motion for agreeing to the articles of impeachment was carried by a majority of 175 to 89; and in consequence of an order, made without any division or debate, Mr. Burke carried up the impeachment in the usual manner to the house of lords, charging Mr. Hastings with high crimes and misdemeanors.

On the 14th of May, Mr. Burke opened the last charge, in which he accused Mr. Hastings of being the cause of all the distresses which had taken place in the province of Oude; and the motion passed unanimously, with scarcely any debate.

By the unanimous order of the house of commons, Mr. Hastings was, on the 21st of May, taken into the custody of the serjeant at arms, who delivered him to the usher of the black rod; and the house of lords afterwards admitted him to bail.

On the same day, the seventh article of impeachment was presented to the house by Mr. Burke, and ordered to be carried to the house of lords; and on the 23d, thirteen more articles were presented to the house of commons, which were carried to the house of lords on the 28th: The great majority by which it was determined on the 9th, when the first six articles were under consideration, that an impeachment should take place, caused the friends of Mr. Hastings to make no opposition to the other articles.

There was no farther proceeding against Mr. Hastings in the present session, which terminated on the 30th of May.

It is impossible not to remark, that throughout the numerous discussions which took place in the house of commons, in this and the preceding session, relative to the impeachment of Mr. Hastings, Mr. Pitt invariably adhered to that impartiality, which he originally determined to observe in this important business. In the preliminary de-

CHAP. VIII. 1787.

bates upon the motions for the production of papers, and in the examination of witnesses, he constantly shewed a disposition to concur in all fair and proper means of carrying on the inquiry; and upon all collateral questions which arose, he delivered his sentiments in a manner which proved, that he had no other object in view, but to promote the great ends of justice. The diligent and close attention, with which he studied each of the several charges, enabled him to vote in every instance, from the deliberate conviction of his own mind; and though the voluminous nature of the evidence, and his numerous and pressing avocations, sometimes compelled him to request a short delay, yet on no one occasion was he accused of forming an opinion upon a hasty and partial consideration of the question. On the contrary, he displayed the minutest knowledge of every part of this intricate and involved subject; and gave the clearest proof, that he had weighed the opposite allegations with scrupulous care, and with that accurate discernment, for which he was so eminently distinguished. Many of the charges extended through a long period, comprehending a great variety of facts, and referring to the peculiar customs and laws of India: in these cases he discriminated what

appeared to him to be criminal, from that which he thought blameless or praiseworthy, and stated with precision his ideas of the respective degrees of guilt; and though he was ready to make candid, and even liberal, allowance for the different manners and usages of the east, he maintained, that all who were entrusted with British power, were bound, in every region, and under all the varied habits of social life, and all the different forms of civil government, to pay a strict, uniform, and undeviating regard to the essential principles of humanity and justice;—that meritorious conduct in some instances will not excuse treachery, corruption, and oppression in others; and that acts of moral turpitude no political necessity can warrant.

CHAPTER THE NINTH:

1787.

Convention with France—Dissensions in the United Provinces—Meeting of Parliament—Hessian Subsidy—Increase of Military Establishment—East Indian Declaratory Bill—Budget—Claims of American Loyalists—Slave Trade—Commencement of Mr. Hastings's Trial—Charges against Sir Elijah Impey—Treaties—Prorogation of Parliament.

CHAP. IX. 1787.

IT appears from Mr. Pitt's and lord Carmarthen's correspondence with our ambassadors at Versailles and at the Hague, that serious disagreements had taken place between the English and French subjects resident in India, relative to the meaning and extent of the 13th article of the treaty of peace between Great Britain and France, by which his Britannic majesty engaged to take such measures, as should be in his power, to secure to the French a safe, free, and independent trade in the East Indies, whether carried on by individuals or by a company; and it farther appears from the same correspondence, that France and Holland, in the year 1786, had so considerable a naval force in that part of the

world, as to give some uneasiness to our ministers, and to authorize their demanding an explanation respecting its object. The answer was not such as entirely removed all suspicion; and the British government continued in some degree apprehensive, that an attack upon our Indian possessions might be in contemplation. Mr. Pitt, however, thought Mr. Eden's residence at Paris a fit opportunity for settling all doubtful points as far as trade was concerned, and for preventing every real cause of dispute in future upon that subject. Instructions, therefore, being sent to him, a negotiation was entered into with the French ministers; and on the 31st of August 1787, a convention was signed at Versailles by count de Montmorin and Mr. Eden, containing specific regulations upon the different articles of commerce, and defining the rights and privileges of the French factories. The assurances, which accompanied the arrangement of this convention, gave reason to hope, that there was at present no hostile intention in the European powers towards our Indian trade or territories; and this change of disposition is to be attributed to the internal situation of both France and Holland. Had France continued quiet and free from embarrassments at home, and had the meditated revolution,

CHAP. IX. 1787.

which, as we shall presently see, she so warmly encouraged, been effected in Holland, it seems highly probable, from the private communications received by Mr. Pitt, that the conduct of the French and Dutch in India, where British power and prosperity had long been the objects of jealousy, must soon have brought on war with this country.

Dissensions had for some time prevailed in the United Provinces, and at length rose to such a height as to threaten the entire subversion of their constitution, and to call for the interposition of neighboring powers. The aristocratical party, which was opposed to the stadtholder, had, since the year 1780, been gradually gaining ground, particularly in Holland, which was by far the most important of the seven provinces. After various encroachments upon the rights and prerogatives of the stadtholder, and numerous attempts, most of which were successful, to lessen his credit and authority, the states of Holland, on the 8th of September 1785, deprived him of the command of the garrison of the Hague, under pretence, that he had not exerted himself with sufficient promptitude and vigor in quelling a trifling riot, which had taken place in that city. The prince of Orange, in consequence

of this public indignity, left the Hague, which was the seat of government, and where he and his predecessors had been accustomed to hold their court. He retired first to Breda, then to Middleburgh, and afterwards he fixed his residence at Nimeguen, the capital of Guelderland, the province best disposed to his cause.

This open rupture between the states of Holland and the stadtholder, was followed by an attack upon his authority in most of the other provinces, especially by resistance to his privileges in the appointment and rejection of members of the municipal senates in the cities and principal towns. The people, in the late contest with the emperor, had not only been permitted, but encouraged, to form themselves into volunteer corps; and having, from the possession of arms, become sensible of their own weight and importance, and taking advantage of the disordered state of public affairs, now claimed a share in the government, from which they had been hitherto excluded; and asserted their right to be represented by delegates in the legislative and executive councils of their respective districts. These pretensions were both urged and opposed with a violence which frequently led to tumults and bloodshed; and a factious and revolutionary spirit reigned

CHAP. IX. 1787.

from one extremity of the republic to the other, among all ranks of persons.

The court of Versailles, from the first, fomented these divisions, and in various ways afforded very important assistance and support to the aristocratical party. The influence, which the French had acquired over the states general, has been already mentioned; and their object evidently was, by destroying the power of the stadtholder, to gain a complete ascendancy in the United Provinces, and to make them entirely subservient to the views and interests of France. Of this design, Prussia and England, the two powers most concerned in the preservation of the independence of the Dutch republic, were fully aware, and kept a watchful eye upon the different proceedings of the contending parties. The king of Prussia, although he was far advanced in life, and had lost a considerable part of that spirit and vigor by which he had been formerly distinguished, was by no means disposed to be a quiet spectator of what was passing in a country contiguous to his own dominions, and with which he had long been in habits of close alliance; more especially, as the prince of Orange was married to his niece. His ambassador, on the 18th of September 1785, presented a memorial to the states of Holland,

and another to the states general, complaining of the degradation and disgrace to which the stadtholder had been compelled to submit, and offering his mediation for the settlement of the points in dispute between the prince and his opponents. To these memorials no attention was paid; but on the contrary, soon after they were received, the states of Holland ordered, that the arms of the house of Orange should be taken from the regimental colors of the troops, and those of the province substituted in their room; that the stadtholder's power of granting commissions in the army, should be suspended for an unlimited time; and that a corps of 100 Swiss guards, who had usually attended the person of the stadtholder, should be disbanded. In consequence of these successive innovations, all of which took place in the course of a few months, the king of Prussia repeated the same complaints and offered the same mediation, in a second and a third memorial, which were as much disregarded as the first; and the enemies of the stadtholder seemed determined to listen to no proposal for reconciliation.

On the 17th of August 1786, Frederick William the Second, by the death of his uncle, succeeded to the crown of Prussia; and being brother to the princess of Orange, he was still

CHAP. IX. 1787.

more alive to the recent transactions in the United Provinces, and more solicitous for the restoration of the stadtholder to his honors and authorities. As a proof of the interest he took in these affairs, on the 2d of September, when he had been only sixteen days upon the throne, he sent his minister of state, count de Goertz, with a letter to the states general, confirming the representations of his predecessor, and declaratory of his own sentiments and wishes; but the states of Holland protested against any interference in their internal concerns, by a person so nearly connected with one of the parties; and to mark their contempt of the new Prussian monarch, on the 22d of that month, they suspended the stadtholder from all the functions belonging to his office as captain general within their province, and discharged their troops from that part of their military oath by which they were bound to obey his orders. The king, however, was not to be diverted from his purpose by this protest or by these violent measures; but at the same time being desirous of not proceeding to extremities without absolute necessity, he proposed, that France, the ally of the republic, and known to be friendly to the anti-stadtholderian party, should, together with himself, undertake the office of settling and composing

the differences by which the United Provinces were at present distracted. This proposal could not well be declined, though, probably, neither side expected, that it would be attended with success. Count de Goertz being appointed on the part of Prussia, and M. de Rayneval on that of France, the negotiations commenced at the Hague towards the end of November, and continued for some weeks; but there being no prospect of bringing the contested points to an amicable adjustment, M. de Rayneval put an end to the treaty by abruptly setting out for Paris, about the middle of January 1787. Count de Goertz, who was at Nimeguen, whither he had gone to confer with the stadtholder, when M. de Rayneval left the Hague, returned to Berlin without taking leave of the states general; and the king of Prussia, finding a pacific accommodation entirely hopeless, and being resolved to have recourse to a more effectual method of settling the dispute, gave orders for collecting an army, with all convenient speed, in the duchy of Cleves, which is contiguous to the United Provinces.

In the mean time disorders increased in every part of the republic. The attempt to introduce a new system in the construction of the governments of different places in the

CHAP. IX. 1787.

several provinces, and other subjects of contest, were frequently productive of serious commotions. The military being by no means under proper discipline, and the citizens disregarding the authority of the civil magistrates, many towns were exposed either to the ravages of soldiers, or to the violence of a licentious populace. Soldiers being enlisted on both sides, there were several skirmishes between the troops of the opposite parties, and some towns were taken by military force. Magazines were formed; commanders were appointed to the respective armies; and the whole country put on the appearance of an approaching civil war.

While affairs were in this critical situation, the princess of Orange, with only a few attendants and servants, undertook a journey from Nimeguen to the Hague, for the purpose of making a conciliatory proposition, in the name of her husband, to the states general and to the states of Holland. She entered the province of Holland on the 28th of June, and was on that day stopped by a body of armed burghers and a detachment of cavalry in the service of the states, who would not allow her to proceed upon her journey; but taking her and her whole party into custody, carried them back to Schoomhoven as prisoners. The

princess remained there under guard the whole of the next day; and on the following morning, she was permitted to return to Nimeguen, after having experienced from the commander of the burghers and soldiers, not merely rudeness and incivility, but the utmost insolence and brutality. CHAP. IX. 1787.

The king of Prussia, upon being informed of this shameful occurrence, transmitted a memorial to the states general, in language much stronger than he had hitherto used. He expressed the deepest sense of the affront, violence, and injury, which his sister had sustained, as if offered directly and personally to himself. He insisted upon immediate and ample satisfaction, and required that exemplary punishment should be inflicted upon those who had committed the outrage. The states of Holland, both before and after this memorial was presented, publicly justified the conduct of the soldiers; and in a haughty tone contended, that the measures pursued were necessary for preserving the peace of the province. But on the other hand, not only the states general, but even the court of Versailles, to whom the king of Prussia had communicated the whole affair, acknowledged, that the treatment experienced by the princess was a gross insult, for which full reparation

CHAP. IX. 1787.

ought to be made. The French ministers, however, although in this instance they could not but condemn the opponents of the stadtholder, by no means withdrew from them their secret support and encouragement; and they even proceeded to the length of assembling an army of 14,000 men at Givet, in the bishoprick of Liege, to indicate an intention of openly resisting any forcible interference on the part of Prussia in the affairs of Holland.

Though to engage in war at the present moment would have totally deranged Mr. Pitt's economical and financial plans, yet the subversion of the stadtholder's authority, and the reduction of the United Provinces to a state of dependance upon France, would, on account of their local situation and maritime strength, have been so injurious to the interests of this country, that he determined, without hesitation, zealously to support the line of conduct adopted by the king of Prussia; and throughout this business there was a confidential communication between the courts of London and Berlin. The friends of the prince of Orange being in pecuniary difficulties, the English government privately supplied them with a considerable loan, without the authority of parliament, and afforded them every other encouragement and assistance in their power.

Sir James Harris*, our ambassador at the Hague, presented several memorials to the states general, expressive of the earnest wishes of the king of Great Britain for the restoration of peace and harmony under the stadtholderian form of government; and in that of August 14th, 1787, after lamenting "the continuance of the unfortunate troubles in the republic of the United Provinces," he offered the mediation of the king his master "for the re-establishment of the tranquillity of the republic, the preservation of the true constitution, and the maintenance of the just rights and privileges of all its members;" but the states of Holland declined all interposition on the part of Great Britain, upon the ground of the known attachment of the king to the cause of the stadtholder.

It being now evident, that nothing but the sword could decide the points in dispute, and that the king of Prussia was resolved to march his army, already prepared, into the United Provinces, for the purpose of avenging the insult offered to his sister, and of re-establishing the prince of Orange in his rights, the party which had usurped the government, formally applied to the court of France for military succors, which were readily promised.

* Afterwards earl of Malmsbury.

CHAP. IX. 1787.

On the 16th of September, the court of France made a regular notification to the court of London, of its intention to afford the states general the assistance they had requested; to which the British ministers immediately replied, that in that case their king would take an active part in favor of the stadtholder. Under this apprehension of an immediate continental war, orders were instantly given for augmenting our navy and army; and sir William Fawcett was sent into Germany, where he signed a treaty, to be in force for four years, with the minister of the landgrave of Hesse Cassel, by which it was agreed, that the landgrave should receive a subsidy of 86,000 *l.* a year, upon condition of his supplying Great Britain with 12,000 troops, within a short specified time after they should be required. Mr. Pitt, with his usual energy, had previously sent dispatches both by sea and over land to the governor general of Bengal and to the governor of Madras, informing them of the state of affairs in the United Provinces, and directing them to be prepared, in case of a civil war in Holland, and an actual rupture with France, to seize the Dutch possessions in the name of the stadtholder, and to attack the French settlements in India. It appears from the answers to these dispatches, that the French

governor, as if expecting war with the English, was busily employed in fortifying Pondicherry, and that there was reason to apprehend, that Tippoo Saib would join the French with all his force.

France, however, perceiving the determination of Great Britain by the spirited exertions she was making, and being extremely distressed by the situation of her own internal concerns, did not think proper to march the troops, which had been sent to Givet, into the United Provinces, although it was certain, that very considerable numbers of French officers and soldiers were employed in the Dutch army, and that the promise of a direct and powerful support from France had inspired the revolutionary party with a confident hope of a complete change in the government of the United Provinces. This was indeed a point for which the French had been long anxious, and which they had endeavored to promote by all the means of secret intrigue and clandestine cooperation; but being now, from unforeseen circumstances, utterly unable to maintain a contest against the joint efforts of Prussia and England, they were under the mortifying necessity of abandoning their favorite object, the consequence of which, they well knew, must be the loss of all their influence in the coun-

CHAP. IX.

sels of the republic, and the immediate restoration of the prince of Orange.

1787. The Prussian army, consisting of about 18,000 men, under the command of the duke of Brunswick, entered the territories of the states general, in three columns, on the 13th of September, and so rapid was the progress of these forces, and so successful their operations, that an equal number of fortified places was probably never before taken in the same space of time. The enemies of the prince of Orange, being disappointed of the promised assistance from France, found it impossible to make any effectual opposition, and, in the course of eight days, the whole of the United Provinces yielded to the victorious troops of the duke, except Amsterdam, which surrendered after a fortnight's siege. The stadtholder, having made his triumphal entry into the Hague, amidst the acclamations of the people, was re-instated in all his rights and prerogatives; the antient forms of government were re-established in the different cities and towns; and tranquillity being restored in every part of the republic, the duke of Brunswick, before the end of October, withdrew his troops, except about 4,000 men, into the Prussian territory.

On the 27th of October, the duke of Dorset,

the British ambassador at Paris, and Mr. Eden, who was still residing there as envoy, to settle some arrangements relative to the commercial treaty, presented a declaration to the court of Versailles, stating, that in consequence of the late occurrences in the republic of the United Provinces, they were authorized to ask, whether it was the intention of his most christian majesty to carry into effect the notification of the 16th of September, which had occasioned armaments to take place both in England and in France; and they added, that if the court of Versailles was disposed to explain itself in a manner conformable to the desire expressed on both sides to preserve a good understanding between the two courts, and it being also at the same time understood, that there was no view of hostility towards any quarter on account of what had passed, his majesty was ready to agree with the most christian king, that the armaments, and in general all warlike preparations, should be discontinued, and that the navies of the two nations should be again placed upon the footing of the peace establishment, as it stood on the first of January of the present year. To this declaration a satisfactory reply was made on the same day, by the count de Montmorin, the French minister, and an agreement was

CHAP. IX. 1787.

immediately signed by both parties to the effect proposed by the duke of Dorset and Mr. Eden.

Thus ended the contest in the United Provinces, which afforded Mr. Pitt the first opportunity of shewing his spirit and principles with respect to foreign policy; and the manner in which he acted, greatly raised his credit in the courts of Europe*, and met with universal approbation in this kingdom, extorting praise, as we shall presently see, even from his political opponents. This settlement was of material importance to Great Britain in many points of view, and particularly with reference to her East Indian possessions, which, according to what has been already observed, might have been exposed to great danger, if France had succeeded in establishing a permanent ascendancy over Holland.

* Count Woronzow, the Russian ambassador to our court, in writing to his brother, who was the empress's first minister, said, "La France ne s'est pas mal humiliée dans les affaires d'Hollande, et après par cette declaration. L'Angleterre au contraire a joué un rôle brillant et ferme, et la conduite de Monsieur Pitt ressemble fort à cette occasion à celle, que feu son pere a tenue, et qui n'etoit plus connue ni pratiquée en Angleterre depuis sa retraite jusqu' à ce que son fils est entré dans les affaires. J'ai été si attaché, et si rempli de respect pour feu milord Chatham, que je prends un vif interêt à la conduite et la consideration que son fils attire, et qui auroit bien rejoui le pere s'il avoit vecu jusqu' à ce tems là."

THESE events were considered of sufficient magnitude to cause the meeting of Parliament on the 27th of November; and his majesty, in his speech from the throne, expressed the highest satisfaction, that the disputes in the United Provinces, which not only endangered the constitution and independence of that republic, but seemed likely in their consequences to affect the security and interests of the British dominions, had been brought to a happy termination, without disturbing his subjects in the enjoyment of the blessings of peace: after a brief recital of the principal circumstances which have been related, he informed parliament, that he continued to receive from all foreign powers the fullest assurances of their pacific and friendly disposition towards this country, although he had to regret, that the tranquillity of one part of Europe was interrupted, by the war which had broken out between Russia and the Porte: he then stated, that he had entered into a convention with the most christian king, explanatory of the 13th article of the last treaty of peace, and calculated to prevent jealousies and disputes between their respective subjects in the East Indies; and that he had ordered copies of the several treaties to which he had referred, and of the declaration and counter-declaration

CHAP. IX. 1787.

exchanged at Versailles, to be laid before them. He acquainted the house of commons, that the estimates for the ensuing year, together with an account of the extraordinary expences lately incurred, would be laid before them; and while he assured them of his earnest desire to confine the national expenditure to the narrowest limits, which a prudent regard to the public safety would permit, he could not but recommend to their particular attention, to consider of the proper means for maintaining his distant possessions in an adequate posture of defence. The speech concluded with some general reflections upon the florishing state of the commerce and revenue of the country, upon the advantages to be expected from the continuance of the public tranquillity, and the strong tendency which the zeal and unanimity manifested by his subjects on the late occasion, must have to secure that invaluable blessing.

The address was moved in the house of commons by Mr. Ryder*, who, at the end of his speech, observed, that the vigor and activity of our late measures respecting Holland, had been attended with the happiest effects; that we had repaid to that country those very blessings, which, at the glorious revolution, she had enabled us to preserve,

* Now earl of Harrowby.

and might now look forward with confidence to the renewal of our antient and natural connexions: we had retrieved the glory of the empire, and re-assumed our rank among the surrounding nations; and we had shewn that, after a long and exhausting war, in which we had fought, not for glory, but for existence, we were still ready to exert our strength at the call of justice and of honor.

In the short debate which followed, Mr. Fox acknowledged, that were it possible for him upon the present occasion, either to refuse his concurrence to the sentiments conveyed to parliament through the speech from the throne, or to oppose the motion for the address, he should commit an outrage against all those principles and opinions by which his political career had been constantly marked. He had always been convinced, that Great Britain ought to look to the situation of affairs upon the continent, and to take such measures upon every change of circumstances abroad, as should best tend to preserve the balance of power in Europe. Upon this sound and wise maxim his majesty's ministers had acted, and he thought them entitled to the highest applause. He declared himself friendly to subsidiary treaties, but he had not at present sufficient information to enable him to express an

CHAP. IX. 1787.

opinion upon that which had been concluded with the landgrave of Hesse Cassel. He remarked, that the agreement between the courts of France and Great Britain to disarm, was confined to the naval establishment, although his majesty had stated, that on receiving the notification from France of her intention to assist the usurpers of the government in Holland, he had given immediate orders for augmenting his forces both by land and sea: Why then was not the military force to be reduced as well as the naval? This led him to notice another part of the speech, in which it was recommended to the particular attention of the house, to consider of the proper means of maintaining his majesty's distant possessions in an adequate posture of defence. He had the honor, he said, to be in administration, when the peace establishment was settled; and therefore, if it were inadequate, the blame was due to him, and to those with whom he acted: it had, however, been continued for four years by the present ministers, who may now perhaps have become acquainted with circumstances, which have convinced them, that the establishment after the peace was insufficient; and if so, they would doubtless lay before the house their reasons for that opinion, and then it would be

for the house to decide upon their validity and force. Mr. Fox concluded by declaring, that he should vote for the address with the most unequivocal sincerity.

Mr. Pitt expressed great satisfaction that the house was likely to be unanimous upon the present occasion, and that Mr. Fox's general principles and sentiments relative to foreign politics and subsidiary treaties, coincided with his own. With respect to the intended increase of the establishment for the defence of our distant possessions, he said, that he should always be averse from the practice of considering, how far measures, proposed to be adopted, might have a tendency to justify or condemn such as had already been entered into; or forming a judgment of one administration from the conduct of another. Such a practice would set up a dangerous influence over ministers, and might be a temptation to them to persevere in errors of their own, lest they should appear to acknowledge them; and to abandon the most politic institutions of their predecessors, lest they should bear testimony to their wisdom. On such principles as these he should never form his judgment, or suffer himself to be influenced by such motives: If he found any establishment

CHAP. IX. 1787.

inadequate to its object, he should, without regarding whether he had himself made the original arrangement, or had found it already made by a preceding administration, take the earliest opportunity of increasing it to what appeared to him its proper standard: since, besides that circumstances might so far vary, as to make a change in the establishment necessary, in which case there would be no room for blame of any sort, he should never, to avoid the detection or apparent acknowledgment of an error, incur the guilt of continuing it, at the expence of the safety of the interests of the empire, after he had found it to be insufficient for its purpose. But, whether the present establishment had been too small originally, or whether a change of circumstances had made it so, was not now the question: the point to be considered was, what degree of defence was now actually necessary—for to that the establishment ought to be immediately raised; as no person could doubt the policy of keeping our possessions in such a state of security, as should leave no reasonable room for anxiety on their account, in the event of hostilities at any future time becoming unavoidable. And although so fortunate a crisis as the present had put this country into a situation to look forward to the

lasting enjoyment of the blessings of peace, it certainly was not, for that reason, less necessary to maintain a sufficient degree of force, to repel such attacks, as might possibly be made in case of any future war; for nothing tended so much to the continuance of peace, as a state of preparation and defence; and he was not backward to acknowledge, that the late important crisis had led him to look more carefully and minutely into the state of our several establishments, than he had before had occasion or leisure to do—the consequence of which was, a firm persuasion, that in the present situation of the country, they were not adequate to their object.

Mr. Pitt, again referring to the manner in which Mr. Fox had expressed himself, said, that whether he should be so happy as to meet with the same concurrence of opinion, when the different subjects, mentioned in the king's speech, should come to be regularly discussed, as the right honorable gentleman's candor on this day gave him reason to hope, could not yet be ascertained; but he held it as a favorable omen of the happy continuance of the most enviable rank which this country had lately regained, that notwithstanding any differences with respect to domestic politics, notwithstanding various dissentions and ani-

CHAP. IX. 1787.

mosities of party by which the house had long been divided, yet, on this important occasion, they had adopted that unanimity, of which the public had already set the example, and by so doing had given effect to the exertions of government; and he flattered himself, that the several states of Europe must look with admiration upon Great Britain, when they perceived, that no views of party, no principles of self-interest, no prejudices, no personal attachments, could give a false direction to the judgment of the great body of the people, or bias the sentiments or voices of their representatives, upon points like the present—points not merely of magnitude and advantage, but in which government having acted uprightly and with a becoming regard to the best interests of the nation, might appeal with confidence to the country for support. The address passed without a single dissentient voice.

Mr. Pitt's intimation relative to his intention of proposing an increase in the military establishments of our foreign possessions, explained the reason of the reduction of the army not being mentioned either in the declaration to the French court, or in the king's speech, an omission which was, as we have seen, noticed by Mr. Fox.

Two days afterwards Mr. Pitt presented to the house of commons, copies of the convention between the kings of Great Britain and France, on the subject of the 13th article of the last treaty of peace, and of the declaration and counter-declaration respecting the discontinuance of the armaments; and of the treaty with the landgrave of Hesse Cassel; and also an account of the expences of the late armaments.

THE first business brought before the house of commons was, a motion for granting one year's subsidy to the landgrave of Hesse Cassel; upon which occasion Mr. Pitt represented the treaty with that prince as giving him a retaining fee of 36,000*l.* a year, to hold him in our interest, and to supply us with 12,000 troops, who might be employed upon the continent in case of a rupture with any foreign power. He stated that this was part of a general system of forming continental connexions, with a view that Great Britain might maintain that rank among the European states, which she formerly held, and had now in some degree recovered. He contrasted the respectable figure this country had made in the recent transactions in Holland, with the humiliation and depression to which she was reduced in the last war, when

CHAP. IX. 1787.

she was deserted by every power in Europe. Mr. Fox and Mr. Burke acknowledged the importance of continental connexions, and the advantage of the treaty then under consideration: The motion passed unanimously.

THE expences of the late armament, amounting to 336,751 *l.* were voted without any observation; but, upon the motion for a permanent augmentation of the land forces, there was a debate of considerable length. The proposed increase was 3,064 men, and the ground upon which it was applied for, had been mentioned on the first day of the session, namely, that his majesty's ministers having, in consequence of the late expectation of hostilities with France, examined into the state of our distant possessions, had found the military establishments in the West Indian islands inadequate to their defence against a sudden attack from an enemy. The number of troops at present employed in the different islands, having been settled by the late administration in 1783, Mr. Fox and his friends considered this intended augmentation a censure upon their judgment, and opposed it with great eagerness, as an unnecessary addition to the standing army, and an expence, which, in the present state of the country, ought to be avoided. Mr. Pitt, in

supporting this measure, observed, that there were but three ways of endeavoring to secure our West Indian islands, either by keeping a large stationary fleet in the West Indies; by sending out succours upon the prospect of any rupture; or by maintaining a military force upon the islands, equal to their defence for a short time. Experience had proved, that a naval force only could not protect them, since, with a large fleet in the West Indies last war, sometimes superior to that of the enemy, the French had wrested several of the islands from us. With regard to the second expedient, to say nothing of an attack without a previous declaration of war, it might happen to be inconvenient or unsafe to detach any part of our force suddenly from Europe; and if not, our succours, from a variety of causes, might not arrive in time to prevent mischief. The last, therefore, appeared to him the most eligible mode of accomplishing this object; and the more so, when he considered that from the dispersion and distance of the islands, and the peculiarities of climate with respect to winds and currents, it would sometimes be absolutely impossible for a fleet to afford that speedy relief, which the occasion might require, unless there was a sufficient number of troops upon

CHAP. IX. 1787.

the island to secure it from surprize*. Mr. Pitt acknowledged that some additional fortifications, upon a moderate scale, were intended, and declared that they were so essential to render the military force effectual, that they might be considered as an indispensable part of the plan. For the propriety of this measure, ministers had not only the sanction of a board of English general officers, but of the most eminent French engineers, since every island belonging to that nation was fortified; and they had even begun to fortify those which they took from us in the last war, as soon as they came into their hands. No person, he said, could be more anxious upon the subject of expence than he was; but he contended, that any moderate expence, by which the continuance of peace could be more firmly en-

* This might have been illustrated by an occurrence, which had taken place within the last ten years. On the rupture between this country and France, in 1778, M. de Bouillè, governor of Martinique, pushed over to Dominica with part of his garrison only, captured that valuable island, containing one of the best harbours in the British West Indian possessions, and returned to Martinique, before admiral Barrington, then lying at Barbadoes with the British fleet, was aware of the enterprize. The French immediately fortified and garrisoned their conquest so effectually, as to defy any British attack during the war. Other islands afterwards fell in the same manner.

sured, was true economy, and the best economy this country could adopt. It was upon this principle, and after a full consideration of the state of our finances, that he thought it would be wise to lay out 200,000*l.* in fortifications, and 80,000*l.* annually, the sum which the proposed augmentation of troops would cost, for the purpose of strengthening those parts of our dominions, which were discovered to be weak and vulnerable, and of keeping them in such a constant posture of defence, as might deter any hostile power from attempting to seize them by surprize: to act otherwise, would be to invite an attack, by leaving them exposed and unprotected; it would be to be sparing of our wealth, and lavish of the prosperity of the British empire. The motion was carried by a majority of 242 to 80.

At the time a rupture was expected with the court of Versailles, in consequence of its avowed determination to assist the disaffected party in Holland, and of the actual assemblage of troops at Givet, government, knowing the disposition of France to disturb our power in India, had taken the resolution of sending four regiments for the better protection of our possessions in that quarter of the world; and this having been intended, not as a temporary

CHAP. IX. 1787.

measure, but as a permanent establishment, ministers persevered in their design, after all apprehension of hostilities had ceased. The directors had fully acceded to this proposal when originally made to them by the commissioners of the board of control, the proper channel of communication between them and ministers, and had agreed, that the troops should be conveyed in the ships, and be maintained in India at the expence, of the company. The settlement of the disputes in Holland, and the amicable arrangement with the court of Versailles, induced them, however, to change their minds, and they refused either to send the troops in their ships, or to maintain them in India; asserting, that unless they had themselves made a requisition for farther military assistance, they were, by the act of 1781, which they considered as still in force, under no obligation to defray the expence of any regiments which might be sent to India; in which they were supported by the opinion of several eminent counsel, whom they consulted upon the subject. On the other hand, Mr. Pitt, supported by the crown lawyers, contended, that the act of 1784 transferred to the board of control, all the powers and authorities which had been formerly vested in the court of directors, relative to the military and

political concerns of India, as well as the collection, management, and application of the revenues of the territorial possessions; considering those parts of the acts of 1781, which were inconsistent with the provisions of the act of 1784, as being by that act virtually, if not expressly, repealed, and consequently, that the board of control was competent to give any orders for the conveyance and maintenance of troops at the expence of the company.

This different construction of the acts of 1781 and 1784, upon so important a point, rendered it necessary for Mr. Pitt to apply to parliament for an authoritative declaration of the power of the board of control in this respect, and therefore, on the 25th of February, having stated to the house of commons the above circumstances, he moved for leave to bring in a bill "for removing any doubts respecting the power of the commissioners for the affairs of India, to direct, that the expences of raising, transporting, and maintaining such troops as may be judged necessary for the security of the British territories and possessions in the East Indies, should be defrayed out of the revenues arising from the said territories and possessions." The motion after a long debate was carried without a division.

CHAP. IX. 1788

The bill was introduced on the following day, and met with the most decided opposition in almost every one of its stages. Upon the second reading, the East India company, who had presented a petition against it, were heard by their counsel. The principal objections urged by them, and by members of the house, in the different debates which took place, were, First, That the construction, attempted to be put upon the act of 1784, was not the true construction; and Secondly, That allowing the act to admit of such construction, the powers it vested in the board of control, were injurious to the rights and interests of the company, and of a dangerous political nature, and therefore ought not to be confirmed.

In answer to the first objection, clauses of the act of 1784 were quoted, by which it was enacted, "That the board of commissioners should be fully authorized and empowered from time to time to superintend, direct, and control all acts, operations, and concerns, which in anywise relate to the civil or military government or revenues of the British territorial possessions in the East Indies, in the manner herein after directed;" and "the court of directors shall, and they are required to, pay due obedience to, and shall be governed and bound by, such orders and directions, as

they shall from time to time receive from the said board, touching the civil or military government and revenues of the British territorial dominions in the East Indies." In addition to these clear and unequivocal words, it was contended, that it was the express and avowed design and intention of the act, to take the entire management of the territorial possessions, and the political government of India, out of the hands of the company, leaving them only the direction of their commercial concerns; and as the board of control was in future to be responsible for the prosperity, defence, and security of our Indian possessions, it must of course be invested with the authority, necessary for the discharge of those important duties. It was asked, how the board could provide for the safety and protection of our eastern dominions, if it had not the power of prescribing what military force was to be kept up? And if it had the management of the revenues of the country, how could any one doubt, whether it had the power of ordering, that the expence of maintaining the troops, requisite for its defence, should be defrayed out of those revenues?

Besides which, Mr. Pitt, in the most positive manner assured the house, that it was his original intention to give those powers to the

CHAP IX. 1788.

commissioners; and he recollected, that in describing the nature of the board, he had called it a board of "active control," an expression which, though ridiculed at the time, sufficiently marked his ideas upon the subject. It was also certain, that the board had, in several instances, exercised an authority similar to that now contended for, and particularly in 1785, when, the company's treasury in India being utterly inadequate to the payment of the current services, the board ordered, that the army should be paid in preference to every other claim; which order was obeyed without any resistance or remonstrance on the part of the directors, although it left scarcely any money to satisfy other pressing demands.

To the second objection it was replied, that the power, as explained by this declaratory bill, was almost universally acknowledged to be necessary for the accomplishment of the object in view, the directors having proved themselves incompetent to the management of the military and political concerns of their territories. Indeed it seemed to be consonant to every principle of government, as well as to reason and common sense, that the military force to be kept up in all our distant possessions, should be under the regulation and control of the king's ministers, who must be

supposed to be better acquainted with subjects of that kind, and also with the designs and dispositions of foreign powers, than a company of merchants. The act of 1784 was, when it passed, censured as impotent and ineffectual to its purpose; and now it was complained of as scarcely less exceptionable than Mr. Fox's bill, although, instead of annihilating the court of directors, and seizing all their property, it left them in possession of the complete management of their commercial concerns and of the entire patronage, both in India and in Europe: It extended not its interference, as was now again argued, with the rights and privileges of the company, beyond the absolute necessity of the case; and even Mr. Fox, in one of the debates occasioned by this declaratory bill, acknowledged, that it was impossible to preserve entire and inviolate the charter of the East India company, and at the same time to save its territories eventually from ruin.

Under this general objection it had been urged by the opponents of the bill, that if the board of control had an unlimited power to send out troops to India, at the expence of the company, an army might be established there without the consent or knowledge of parliament, which might be of dangerous tendency;

CHAP. IX. 1788.

and therefore Mr. Pitt, to prevent the possibility of such an abuse, proposed a clause to limit the number of troops, for the payment of which the commissioners of the board of control should be empowered to issue their orders, to 8,045 men of his majesty's troops, and 12,200 of European troops in the company's service.

It was also urged, that the board of control might, if it had the entire command over the revenues of India, apply them for the purpose of creating an undue influence, to the prejudice of the company's interests, by ordering an increase of the salaries or perquisites of the company's servants, or by distributing gratuities among them, under pretence of rewarding services: In order, therefore, to obviate every apprehension of that kind, Mr. Pitt proposed two clauses, by one of which the commissioners were prohibited from directing any increase of salary or perquisite, unless proposed by the directors, and previously submitted to both houses of parliament; and by the other, the commissioners were prohibited from ordering any gratuity to the company's servants, unless recommended by the directors. And as a general check upon the conduct both of the directors and of the board of control, with respect to the revenues of the company,

Mr. Pitt introduced a fourth clause, directing, that, in February of every year, there should be laid before the two houses of parliament a particular account of the receipts, disbursements, and debts of the company, in their several presidencies, made up according to the latest advices.

Mr. Pitt having thus obviated every real objection to the bill, it at length passed both houses, after numerous debates and several divisions, in which the majorities were very large in its favor.

In opening the budget on the 5th of May, Mr. Pitt expressed great satisfaction at being enabled to lay before the house, a most favorable account of the state of the national finances. Although, he said, a just attention to the prosperity and honor of the country, together with other circumstances, had caused a considerable expenditure in the last year beyond the estimate in 1786, yet such was the flourishing condition of the revenue, that it afforded the means of providing for all the services which had been voted, without recurring either to a loan or new taxes, or interrupting the progress of the sinking fund.

As was usual upon these occasions, he enumerated all the particulars both of the supply

CHAP. IX. 1788.

and of the ways and means. Exclusively of the articles which appeared on both sides*, the former amounted to 5,779,000*l.* and the latter to 5,796,000*l.* leaving a surplus in the exchequer of 27,000*l.* The extraordinary expences of the year amounted to 1,282,000*l.* which arose principally from the late armament, from the necessity of putting our distant possessions in a more complete posture of defence, from the payment of the prince of Wales's debts, and from other temporary causes. But though these very expences would not occur again, other extraordinary demands must be expected in the next two years, amounting probably to a million or a million and a half, for which, however, he thought there would be ample resources in the improved revenue of the country.

In this estimate was not, he said, included one article, of so large an amount, and of so peculiar a nature, that he intended to make a particular provision for it, which he would explain on a future day—he alluded to the claims of the American loyalists.

He observed, that in consequence of the additional troops to be maintained in our West

* These were for exchequer bills and for deficiencies of several funds to the 5th of April 1787, amounting together to 6,078,000*l.*

Indian islands, and of the Hessian subsidy, and of some other unforeseen charges and alterations, our settled peace establishment, which, he trusted, would take place in 1790, instead of 15,478,000*l.* as calculated by the committee in 1786, would be 15,624,000*l.*; and he informed the house, that the produce of the whole revenue for the year ending the 5th of last April, was 15,792,000*l.* which was 168,000*l.* more than the annual expenditure, as now estimated. To make the prospect still more promising, he mentioned, that in the last year there were several unfavorable circumstances, particularly the check which commerce had received from the alarm of war; and that various branches of the revenue were increasing, and many more susceptible of improvement. From a comparative view of different years, he shewed, that since the peace there had been an addition of three millions to the annual revenue, half of which was to be ascribed to new taxes, and the other half to the prevention of frauds and to the advancing prosperity of the country; and that there had been a similar progressive increase in the exports, imports, and number of ships employed in our fisheries. He added, that in four years we had expended seven millions upon our navy; and had built and repaired 30 ships of

CHAP. IX. 1788.

the line, and 35 frigates, more than were built and repaired within the same period after the peace in 1763. The whole of this statement could not but be highly satisfactory to the house, and the necessary resolutions passed without any opposition.

Soon after the conclusion of peace, commissioners were appointed to inquire into the losses of persons, who had been deprived of property or income in the course of the American war, from their loyalty and attachment to this country. These inquiries, under the sanction and direction of different acts of parliament, had been continued to the present time, and being now nearly brought to a termination, Mr. Pitt, on the 6th of June, submitted to the house a plan for the adjustment and final liquidation of these claims. He stated, that in his opinion the American loyalists could not call upon parliament to make compensation for the losses they had sustained, as a matter of strict justice; but at the same time he acknowledged, that they had a strong claim upon the generosity and compassion of the country. He had endeavored to mark this distinction in the arrangement he had formed; and with that view he divided the loyalists into three different classes. In the first class, he

ranked all who had resided in America at the commencement of the war, and who, having from principles of duty to their lawful sovereign, refused to concur with the Americans in their hostile proceedings, were obliged to abandon their estates and property, which were, in consequence, seized and confiscated by the ruling party. The mode he meant to adopt with respect to this class, whom he considered as the most deserving, and as having the strongest grounds of any of the loyalists to expect a compensation, was, to pay those, whose claims were so small, that any deduction from them would materially affect their means of subsistence with any degree of comfort, the full amount of their losses. He proposed therefore to pay such loyalists the whole of their claims, if they did not exceed 10,000*l.*; and when their claims amounted to a sum between ten and thirty-five thousand pounds, to deduct fifteen per cent from the excess above 10,000*l.*; and when their claims exceeded 35,000*l.* a larger per-centage. The second class was to consist of those who had at the commencement of the war been resident in England, and consequently had not been driven from America: to this class also he proposed to allow the whole of their claims, when they did not exceed 10,000*l.*; but when their claims

CHAP. IX. 1788.

amounted to a larger sum, he proposed to deduct a higher per-centage than in the former class. The third class was to comprehend those, who, having either enjoyed places or exercised professions in America, were compelled to leave that country by the war. With regard to these persons, it was to be considered, that though they had been driven from America, they were able to obtain fresh incomes by the exertion of their talents and industry elsewhere; and therefore he did not think it necessary to allow to any of these claimants the full incomes of which they had been deprived. He proposed that those, whose incomes had not exceeded 400*l.* a year, should receive one half by way of pension; that where their incomes had been between 400 and 1,500 pounds, they should receive 50 per cent upon the first 400*l.* and 40 per cent upon the remainder; and where their incomes had been more than 1,500*l.* they should receive 30*l.* per cent upon the excess above 400*l.* per annum. All the various claims, calculated according to these principles, would amount to 1,228,239*l.* exclusive of about 500,000*l.* which had been already advanced at different periods, as a temporary relief to those who were in immediate distress.

Upon this occasion Mr. Pitt submitted to

the house the case also of the East Florida claimants, who had been under the necessity of quitting their habitations and property, in consequence of that country being ceded to Spain by the treaty of peace. These persons he considered as standing in a very different predicament from the American loyalists, as they had suffered by the voluntary act of the British government; and therefore he proposed, that they should be indemnified for the whole of their losses, amounting, as settled after a careful investigation, to 113,952*l.*

He proposed, that these sums should be paid by instalments, and that the money should be raised by the profits of a lottery, to commence next year, and to be continued annually till the whole should be liquidated; and that in the mean time negotiable debentures should be issued bearing an interest of 3½ per cent, which would make them nearly equal in value to prompt payment. This plan, with which the persons immediately concerned had previously expressed themselves satisfied, now met with the warmest applause of parliament, as equally liberal and judicious; and every part of the arrangement was acceded to with universal consent.

The trade carried on by this country and

CHAP. IX. 1788.

other European nations, upon the coast of Africa, in the purchase of negro slaves to be employed in the cultivation of the West Indian islands, and certain parts of the continent of America, does not appear, till of late years, to have been considered with that attention, which, from its repugnance to the mild principles of modern policy and manners, it might have been expected to excite. The first public attempt to put a stop to this practice, was made by the quakers of the southern provinces of America, who, soon after the establishment of American independence, presented addresses for that purpose to their several legislative assemblies; and in 1787, the same sect in England, following the example of their American brethren, presented a similar petition to the house of commons. The cause of these unfortunate sufferers immediately became extremely popular, and was taken up with great zeal and earnestness by various descriptions of persons. A society was formed, and a considerable sum of money subscribed, with a view to collect information relative to this traffic, and to support the expence of an application to parliament for its abolition, which, it was not doubted, would meet with resistance from the planters and merchants. Pamphlets were published upon both sides of the question,

but chiefly against the trade; and in February of the present year, Mr. Wilberforce informed the house of commons of his intention to make a motion relative to the slave trade, in the course of the session. In consequence of this notice, numerous petitions were presented to the house, from the counties and most considerable towns of the kingdom, the general prayer of which was, that the trade might be abolished; and a committee of privy council, upon the recommendation of Mr. Pitt, was appointed to inquire into the facts and allegations contained in them. A serious indisposition prevented Mr. Wilberforce from making his intended motion; and therefore Mr. Pitt, on the 9th of May, moved the following resolution, "That this house will, early in the next session of parliament, proceed to take into consideration the circumstances of the slave trade complained of in the petitions presented to the house, and what may be fit to be done thereupon." He added, that before that time, the inquiry, instituted by the privy council, would be brought to a conclusion, the result of which might be laid before the house, to facilitate their investigation, and to enable them to form a decision, founded equally upon principles of humanity, justice, and sound policy; and he pledged himself to submit the

CHAP. IX. 1788.

question to the consideration of parliament, in case the state of his honorable friend's health should not then allow him to undertake the business. Mr. Fox and Mr. Burke expressed great concern at the delay; and at the same time severely reprobated the inquiry which was carrying on before the privy council; contending, that it ought to have taken place in the house of commons, and asserting, that it was the duty of that house to advise the king, and not to ask his advice. The motion however passed unanimously.

In the course of the debate, or rather conversation, caused by the above motion, sir William Dolben desired leave to say a word or two upon a matter, which, in his mind, was a most crying evil, and called for an immediate remedy. He alluded neither to the sufferings of the slaves at home, from the hands of their cruel countrymen, nor to their sufferings from their unfeeling masters, the planters, in the West India islands; but to that intermediate state of tenfold misery, which they suffered in their transportation from the coast of Africa to the West Indies. He stated, that when put on ship-board, the poor unhappy wretches were chained to each other hand and foot, and being crammed close together, they generated putrid disorders and every sort of dangerous

disease; so that, when their overseers came to examine them in the morning, they had almost daily to pick numbers of dead slaves out of their rows, and to unchain their carcases from the bodies of their wretched fellow-sufferers, to whom they had been fastened. Nor were the baneful effects of the contagion thus created, confined to the slaves: it affected the ships crews, in consequence of which, great numbers of the seamen, employed in the horrid traffic, died every voyage. And he concluded by remarking, that if some remedy were not applied without delay, 10,000 lives might be lost between the present session and the next meeting of parliament. This summary statement made a strong impression upon the house, and there appeared a prevailing wish that the grievance now complained of should be taken into consideration, independently of the general question.

Accordingly, towards the end of the month, Sir William Dolben introduced a bill to regulate the shipping and carrying slaves in British vessels from the coast of Africa. This bill contained provisions, for limiting the number of slaves to be taken on board, in proportion to the tonnage of the vessel; for requiring the surgeon to keep an account, to be attested upon oath at the end of the voyage, of the

CHAP. IX. 1788.

number of slaves received on board, and of the number of deaths which had taken place; and for compelling the captains to use proper precautions for the preservation of the health and the accommodation of the slaves. The bill was objected to by the members for Liverpool and Bristol, and by other persons connected with the slave trade, who endeavored to prevail upon the house to postpone the business to the next session; but this attempt was so generally disapproved, that they were under the necessity of abandoning it, and they determined to oppose the bill itself. Petitions were presented against it by the merchants and traders of Liverpool and London, stating the injury they must necessarily suffer by the proposed regulations; and several days were occupied in hearing counsel and examining witnesses. It appeared from the evidence adduced, that the length allotted in the ship to each slave, was five feet and a half, and the breadth sixteen inches; and that the distance between the deck or floor on which the slaves lay, and the platform on which other bodies were spread, was two feet or two feet and a few inches; and it farther appeared, that in consequence of this mode of conveyance, five at least out of one hundred slaves died in a voyage of about six weeks, which

was seventeen times the usual rate of mortality: It was indeed much more, because in the general estimate of human life, persons of every age are included, while in an African cargo of slaves the old were entirely excluded, and few infants were admitted. Such was the destructive nature of the trade under its most favorable circumstances; but in some cases the mortality was proved to be nearly twice as great.

These facts, reluctantly drawn from witnesses brought forward in support of the present system, were so decisive against it, that the friends of the bill did not think it necessary to produce any evidence of their own. Mr. Pitt said, that the trade, as now carried on, was contrary to every humane, every christian principle, and to every sentiment which ought to inspire the breast of man; and therefore he was determined to give the bill his warm support. He hoped that the house, being now in possession of information, which was never before communicated to them, would endeavor in some measure to extricate themselves from that guilt, and from that remorse, which every man ought to feel, for having so long overlooked such cruelties and such oppressions, endured by human beings, in the course of a trade carried on by British sub-

CHAP. IX. 1788.

jects, under the express authority of former parliaments*. He wished to ask gentlemen, what must be their feelings, were half the unfortunate Africans, now about to be purchased by English captains of vessels, to undergo the hardships and the deaths, which many of their unhappy countrymen have undergone in former voyages. He was confident, that the house would support him in any measure to snatch these wretched beings from the jaws of destruction, and from the iron hand of unrelenting avarice. With a view therefore of putting a stop to this misery, and to this waste of human life, as speedily as possible, he should propose a clause, making all slave ships, which had already sailed from England, subject to the regulations of the bill, provided the captains were made acquainted with them; and for that purpose he should think it proper to dispatch copies of the act to the coast of Africa, by a quick-sailing vessel from the admiralty. He was aware that, by this retrospective operation, the merchants, who had prepared for, and perhaps actually made, greater purchases of slaves, than the bill al-

* The 23d of Geo. 2, c. 31, recites: Whereas the trade to and from Africa is very advantageous to Great Britain, and necessary for the supplying the plantations and colonies thereunto belonging, with a sufficient number of negroes at reasonable rates, &c. &c. &c.

lowed, might sustain a pecuniary loss; but he trusted the house would consent to make compensation for such loss, which probably would not exceed 15,000*l.* an object of no consideration, when the interests of humanity were so materially concerned. Mr. Pitt also, with the hope of exciting greater attention to the preservation of the lives of the slaves, proposed another clause for granting certain bounties to the owners and surgeons of ships, in which the mortality upon the voyage should not exceed two, and certain other bounties where it should not exceed three, in the hundred.

The bill, with these clauses, passed the house of commons, after two divisions, in one of which the minority was five, and in the other two: It also passed the house of lords, but not without considerable opposition. It was to continue in force till August the 1st, 1789, before which it was hoped that a general bill would be passed upon the subject of the slave trade.

Soon after the meeting of parliament, in November 1787, Mr. Hastings delivered to the house of lords, his answers to the charges which had been exhibited against him, and they were immediately transmitted to the house of commons. Upon their being read, Mr.

Burke moved, that they should be referred to the consideration of a committee; which having been agreed to, Mr. Pitt proposed Mr. Burke as the first member, and the house unanimously consented. Mr. Burke then proposed Mr. Francis, who was rejected without debate, by a majority of 97 to 23. Mr. Burke remonstrated at some length against this vote, but the speaker would not allow any reply to be made, asserting, that it was contrary to order, to debate a question, after it was decided by a division. The other members of the committee were appointed; and the replication which they drew up to the answers of Mr. Hastings, was carried by Mr. Burke to the house of lords, who appointed the 13th of February for the commencement of the trial in Westminster Hall.

To account for this rejection of Mr. Francis by so decided a majority, it is to be observed, that he had been a member of the supreme council at the time Mr. Hastings was governor general of Bengal, both being appointed to their respective offices by lord North's bill in 1773; and that most violent disputes had arisen and continued for several years between these two gentlemen. Early in 1780 an apparent reconciliation took place; but in July of that year, Mr. Hastings publicly, in a minute

of the council board, accused Mr. Francis of having forfeited the faith, which he had pledged to him, in such strong language as to lead to a duel, in which Mr. Francis was dangerously wounded. When he considered himself in a dying state, he expressed his forgiveness of Mr. Hastings; but he unexpectedly recovered, and the former enmity was revived. Not long after, Mr. Francis returned to England, and took a very active part in supplying the accusers of Mr. Hastings with materials, and in promoting the impeachment, both openly and secretly, by every method in his power.

The time was now arrived for appointing managers of the impeachment before the house of lords; and it was evident from the late division, and from the well-known impression which the conduct of Mr. Francis towards Mr. Hastings had made, that any motion for naming him one of the managers, would be resisted. Mr. Fox, however, undertook to propose him, in a very elaborate speech, and was warmly supported by Mr. Windham. After several members had objected to Mr. Francis, upon the ground of the duel and the avowed enmity which had so long subsisted between him and Mr. Hastings, Mr. Pitt, in

CHAP. IX. 1788.

allusion to the speeches of Mr. Fox and Mr. Windham, remarked, that it was not a question of argument, but of feeling: It appeared to him, that it would be obviously improper in the house to appoint, as one of their representatives upon this occasion, the only individual, who had been concerned in a personal contest with the party accused; and upon that principle he should vote against the motion. Mr. Francis entered into a detailed vindication of himself, but with so little effect, that the motion was negatived by a majority of 122 to 62.

Mr. Burke and the other members proposed as managers*, were appointed without any opposition; but as Mr. Pitt was not one of the number†, it will not be necessary to give an account of the proceedings in Westminster Hall, except as far as they gave rise to debates in the house of commons, in which he took a share.

* The managers were Mr. Burke, Mr. Fox, Mr. Sheridan, Mr. Pelham, Mr. Windham, sir Gilbert Elliott, Mr. Grey, Mr. Adam, Mr. Anstruther, Mr. Michael Angelo Taylor, Lord Maitland, Mr. Dudley Long, General Burgoyne, Mr. North, Mr. St. John, Mr. Fitzpatrick, Mr. Wilbraham, Mr. Courtenay, and sir James Erskine.

† Mr. Burke privately requested Mr. Pitt and Mr. Dundas, that they would allow him to propose them as managers; but they both declined the office. All the managers were of the opposition party.

EARLY in the session, sir Gilbert Elliott* brought forward six charges against sir Elijah Impey, with a view of making them the ground of impeachment. Sir Elijah Impey had been appointed the first chief justice in India, under lord North's regulation act in 1773; and was recalled by a vote of the house of commons in 1781, in consequence of his having accepted a civil employment in the native court of justice in Bengal, which was considered as incompatible with his former situation. The first charge related to the trial of the rajah Nundcomar, a bramin of the highest rank, whom the supreme court of judicature, in which sir Elijah Impey presided, had condemned to death, and caused to be executed, as having been guilty of forgery. After examining witnesses and written documents at great length, and hearing sir Elijah Impey two days in his own defence, the general question was debated on the 9th of May. Mr. Pitt replied to every part of sir Gilbert Elliott's speech, which had been delivered on three different days; and at the conclusion, he declared, that in no view could any corrupt motive be brought home to sir Elijah Impey; and that he never voted with a more decided conviction of mind, than that, with which he

* Afterwards earl of Minto.

CHAP. IX. 1788.

should give his negative to the present motion: upon a division, however, the majority in favor of sir Elijah Impey was only 18, the numbers being 73 and 55. This first and principal charge being rejected, sir Gilbert Elliott did not proceed with the others, and of course no impeachment took place.

Mr. Pitt did not fail to improve the advantage obtained by the favorable termination of the disputes in Holland. He availed himself of this opportunity to enter into a negotiation with the states general of the United Provinces; and on the 15th of April, a treaty of defensive alliance between them and the king of Great Britain was signed at the Hague. This treaty began with stating, that the mutual and sincere friendship, which had so long subsisted between the contracting parties, having been increased and strengthened by the interest which his Britannic majesty had lately manifested in the preservation of the independence and legal constitution of the republic, it was resolved, in order to cement, in the most solid and lasting manner, the good harmony, confidence, and correspondence between them, to form permanent engagements by a treaty of defensive alliance, for the good of both parties, and for the maintenance of the

general tranquillity, as well as of their own in particular. The treaty contained a mutual guarantee of the integrity of all the dominions of the contracting parties, and a stipulation, in case either should be hostilely attacked by any European power, to afford succours, both by sea and land; and it was farther agreed, that if the contracting parties should be involved in war with a common enemy, neither should disarm without the consent of the other, and that they should communicate confidentially to each other, any proposals which might be made for a peace or truce. His Britannic majesty also guaranteed the existing form of government in the United Provinces, and all the constitutional rights and prerogatives of the stadtholder: And, with respect to commerce, it was agreed, that the subjects of the two countries should be respectively treated in the other, as the most favored nation, except that no alteration was to be made in the import duties payable upon linens.

On the same day this treaty was signed at the Hague, a similar treaty was signed at Berlin, between Prussia and the United Provinces; the negotiations for the two treaties having been carried on with a mutual understanding between the courts of London and Berlin.

A copy of the treaty between Great Britain

CHAP. IX. 1788.

and the United Provinces was presented by Mr. Pitt, to the house of commons, on the 23rd of May; and soon after he introduced a bill for carrying into effect the commercial part of it, which passed without any difficulty.

His majesty prorogued parliament on the 11th of July, with a speech from the throne, in which he acknowledged with satisfaction, their uniform and diligent attention to the welfare of his people, so apparent in all their proceedings: he lamented the continuance of war between Russia and the Porte, in which the emperor of Austria had also taken part; but the assurances which he received from foreign powers, afforded him every reason to expect, that his subjects would continue to enjoy the blessings of peace. He concluded, with expressing a confident hope that the engagements into which he had recently entered with the king of Prussia and the states general of the United Provinces, would be productive of the happiest consequences, in promoting the security and welfare of his own dominions, and in contributing to the general welfare of Europe.

A provisional treaty of defensive alliance between the kings of Great Britain and Prussia, was signed at Loo, on the 13th of June: Be-

sides the usual articles respecting the mutual guarantee of their respective dominions, assistance in case of hostile attack, and joint consent in making peace, the contracting parties bound themselves to act at all times, in concert, and with mutual confidence, for the purpose of maintaining the security, independence, and government of the United Provinces, conformably to the engagements into which they had lately entered with that republic, by separate treaties, which they had communicated to each other. The treaty itself, founded on this provisional treaty, was signed at Berlin on the 18th of August; and on the following day, Mr. Ewart, the British minister at that court, wrote thus to Mr. Pitt: "His Prussian majesty has desired me to express to you the strongest assurances of his particular esteem and regard, and the sense he has of the zeal you have shewn in promoting the conclusion of the alliance, that is so happily formed between the two courts, by which, he said, your name, already so dear to this country, had acquired in his eyes new value and merit, in descending from an immortal father to a no less illustrious son. Count Hertzberg* has begged me to express the same sentiments in the strongest terms."

* The king of Prussia's first minister.

CHAP. IX. 1788.

The object of these treaties between Great Britain, Prussia, and Holland, was, not only to preserve the balance of power in Europe against the influence of France; but also to counteract any ambitious attempts which might be made by the emperor of Austria and the empress of Russia, who had recently entered into a close union and friendship. Indeed the latter was a consideration of greater importance at this moment, than the former; for the internal state of France, as will be seen in a subsequent chapter, becoming every day more and more embarrassed, she was no longer capable either of disturbing the peace of her neighbors, or of affording them protection in case of attack from any other quarter: and this very circumstance of present weakness in that generally powerful kingdom, rendered it the more necessary to provide this barrier against the dangerous alliance of the two imperial courts, which, from its being contrary to the former policy of those countries, and from the character of the sovereigns, could not but be attributed to motives of conquest and aggrandizement. The war which Russia and Austria were now jointly carrying on against Turkey, was a strong confirmation of that opinion; and there was reason to suspect, that they would hereafter direct their hostile views to the middle and western parts of Europe.

CHAPTER THE TENTH:
1788.

The King's Illness—Proceedings in Parliament—His Majesty's Recovery—Thanksgiving Day—Observations.

CHAP. X. 1788.

IN the early part of the summer of this year, the health of the king had in some degree declined*; and the day after the prorogation of parliament, he went to Cheltenham by the advice of his physicians, but did not derive the expected benefit from the medicinal waters of that place. He returned to Windsor on the 16th of August: and, not long after, his disorder took a most unfortunate turn. Symptoms of mental derangement occasionally appeared, and gradually increased both in frequency and in degree, so that in the course of the next six or eight weeks he was several times unable to hold his usual levees at St. James's. On the 21st of October he wrote

* On the 12th of June the king wrote to Mr. Pitt from Kew, complaining of a bilious disorder, and saying that sir George Baker (his physician,) would not allow him to go to town on that or the following day, quiet being essential to him.—On the 18th the king wrote again to Mr. Pitt from Kew, informing him that he was better.

CHAP. X. 1788.

to Mr. Pitt, desiring to see him at Windsor; and adding, that though an invalid, it would be an amusement to him to talk over business with Mr. Pitt. At the levee, on Friday the 24th, his manner and conversation were such, that the nature of his indisposition was evident to all who were present. Mr. Pitt was greatly affected, when he attended his majesty in the closet after the levee, which the king observed, and noticed in writing to him the next day from Kew. In this letter, he said that he held a levee to prevent false reports, and a fall of the stocks; and, probably in some degree aware of his situation, he directed Mr. Pitt not to allow any political papers to be sent to him, before the next levee on Wednesday. On Saturday the 25th he went to Windsor; but neither his majesty, nor any of the royal family, attended divine service on the following day, a decisive proof that he was then seriously ill. Nor was he permitted to go to London, for the purpose of holding a levee on Wednesday the 29th; but four days afterwards he wrote to Mr. Pitt, informing him, that he was better, and able to sign warrants, but not to read dispatches, and therefore he desired to see Mr. Pitt at Windsor. In neither of these letters is there a single incoherent expression. Hitherto the disorder had

fluctuated; but the paroxysms of the malady, accompanied with highly bilious affections, now brought on so violent a fever, that his majesty became totally and constantly deprived of the use of reason, and his life was for several days in imminent danger*. Sir George Baker, the physician, who had attended his majesty at Kew, from the 17th to the 25th of October, afterwards visited him at Windsor; and from the 5th of November, he and Dr. Warren and Dr. Reynolds remained there day and night, sir Lucas Pepys and Dr. Addington attending occasionally. The prince of Wales and the duke of York took up their residence at Windsor; and the ministers frequently repaired thither to confer with the

1788.

* Just at this moment Mr. Pitt wrote to me at Buckden, saying: "The effect most to be dreaded is on the understanding. If this lasts beyond a certain time, it will produce the most difficult and delicate crisis imaginable, in making provision for the government to go on. It must, however, be yet some weeks before that can require decision; but the interval will be a truly anxious one. You shall hear again soon; but if, in the course of a few days, you could spare the time to come to town, I should be very glad to talk with you, as there will be a thousand particulars you must wish to know, which I cannot write. I shall not stir from hence, except for going to inquire at Windsor." I went to town immediately; and late at night found Mr. Pitt expecting a messenger every moment with the account of the king's death: but the intelligence, which did not arrive till two in the morning, proved more favorable.

CHAP. X. 1788.

physicians. The gazette of November the 11th announced, that the king had passed the preceding night quietly, but that there was no abatement in his complaint. About this time the state of his majesty became generally known, and excited the greatest consternation, and most lively grief, among all classes and descriptions of his loyal and affectionate subjects. Those who, from their rank and situation in the country, were most interested in the event, and called upon to take a part in this new and calamitous exigency, hastened to the capital.

His majesty's ministers had intended, that parliament should not meet till after Christmas; but it having been prorogued to the 20th of November, and the king, although his life was no longer considered in immediate danger, being, from the unabated continuance of his mental disorder, incapable of ordering a commission to be issued for a farther prorogation, its meeting took place on that day as a matter of course. The ordinary forms of opening a session, could not indeed be observed; but the speaker of the house of commons, at the request of the members present, took the chair, and several new members were sworn.

Mr. Pitt then stated the cause of parliament

being assembled without the usual previous notice or speech from the throne, and expressed a hope, that the impropriety of discussing any public business, under present circumstances, would be readily admitted. He proposed, that the house should adjourn for a fortnight; and intimated, it would then be indispensably necessary, if his majesty's disorder should continue, to take into consideration what measures ought to be adopted. To give their proceedings all possible weight and solemnity, he farther proposed, that a call of the house should take place on the 4th of December, and that the speaker should write circular letters, requiring the attendance of every member. All the motions for these purposes passed without a single observation from any person. Similar motions proposed by the lord president*, passed in the house of lords.

That some authentic information relative to the situation of his majesty, might be obtained, a privy council was held at Whitehall on the 3rd of December, to which all the members, without any discrimination or exception, were summoned†; and the five physicians‡, who

* Lord Camden.

† Of 54 who attended, 24 were of the party of opposition.

‡ Dr. Warren, sir George Baker, sir Lucas Pepys, Dr. Reynolds and Dr. Addington.

CHAP. X. 1788.

had attended his majesty during his illness, were called before them, and examined upon oath. The substance of the answers which they gave to the questions put to them, was, that his majesty's indisposition rendered him incapable of meeting his parliament, and of attending to any sort of public business; and that judging from their experience in similar cases, there was a fair probability of his recovery, but that it was impossible to fix any time when that event might be expected.

On the following day, Mr. Pitt presented the report of this examination to the house of commons, and moved, that it should be taken into consideration on the 8th; at the same time giving notice, that he should on that day propose the appointment of a committee to search for precedents, in any degree applicable to the present melancholy state of public affairs. After this motion was unanimously agreed to without any remark, Mr. Vyner suggested a doubt, whether it suited the dignity of parliament, to make a report from the privy council the ground work of their proceedings: he was inclined to think, that the house ought to order the attendance of his majesty's physicians, for the purpose of their being examined at the bar, or in a committee above stairs, before any measure should be adopted

or proposed. Mr. Pitt observed, that nothing could be farther from his intention, than to preclude the house from pursuing any mode, which might be judged most proper for procuring the necessary information. He was, however, of opinion, that when gentlemen reflected upon the delicacy of the subject, they would think, they might act upon the report of the privy council, without any infringement of the dignity of parliament. It should be remembered, he added, that the examination of the physicians by the privy council, had been upon oath, which could not be the case before that house*. Mr. Fox expressed his approbation of the steps which had been taken†, concurring, however, with Mr. Vyner in the doubt, whether the house ought to rest satisfied without the personal examination of those physicians, on whose testimony they were to found consequences of the utmost importance. He admitted, that all possible delicacy ought to be observed; but if delicacy and duty should happen to clash, the latter ought not to be

* The house of commons has no power to administer an oath to a witness.

† When the nature of the king's indisposition was first known, Mr. Fox was in Italy, not expecting that parliament would meet till after Christmas. An express was immediately sent to him, and he returned to England on the 24th of November.

CHAP. X. 1788.

sacrificed to the former. Nothing farther was now said upon this subject.

The death of one of the members for Colchester* having occasioned a vacancy for that borough, the speaker acquainted the house, that he was doubtful, whether, during the inefficiency of one branch of the legislature, he was authorized to issue writs for filling up vacancies in the representation of the people. Mr. Pitt declared himself to be decidedly of opinion, that though no act could take place, which required the joint concurrence of all the different branches of the legislature, yet each of the houses of parliament, in its separate capacity, was fully competent to the exercise of those powers, which concerned its own orders and jurisdiction. In this sentiment the house acquiesced in silence; and immediately adjourned to the 8th.

The distance of Windsor from London being found extremely inconvenient to the physicians, the king was removed to Kew, on the 29th of November†; and the continuance of

* Sir Edmund Affleck.

† Notwithstanding the state of the king's mind, the physicians thought, that a note from Mr. Pitt, expressing a wish that his majesty would remove to Kew for the benefit of change of air, would have weight with him; and in consequence of Mr. Pitt's note the king consented to a removal, which till then he had resisted.

his disorder, without any abatement, suggested the idea of calling in the advice and assistance of Dr. Willis*, who had long been distinguished for his successful treatment of the malady under which his majesty labored. He began his attendance on the 5th of December, and resided constantly in the palace at Kew, having the immediate care of the king's person; and the other physicians visited his majesty in rotation, at stated times†. A bulletin was sent to St. James's every morning, signed by the physicians; and a lord and a groom of the

* Dr. Willis was a clergyman, and rector of Wapping. He was doctor of physic in the university of Oxford, and had for 28 years kept an asylum for insane persons at his residence at Gretford in Lincolnshire, having every year not less than 30 patients, of whom nine out of ten had recovered within three months after they were placed under his care.

† Either sir Lucas Pepys, Dr. Gisborne, or Dr. Reynolds was at Kew, from four o'clock every afternoon till eleven the next morning. At ten o'clock every morning Dr. Warren or sir George Baker came to Kew, and consulted with the physician who had been there all night, and with Dr. Willis, and generally remained there about an hour. Dr. John Willis, Dr. Willis's son, was constantly at Kew as an assistant to his father; and another of his sons was also frequently there. Dr. Addington had left off practice, but was sent for from Reading, where he resided, in the beginning of the king's illness, because he had formerly paid particular attention to cases of insanity: he occasionally saw his majesty with the other physicians, in the subsequent part of his illness; but his age and infirmities would not allow him to attend regularly.

CHAP. X. 1788.

bedchamber attended for several hours, to shew it to the numerous and anxious inquirers after his majesty's health. The bulletins were also published in the gazette.

On the 8th, Mr. Pitt called to the recollection of the house, the doubts which had been expressed relative to the propriety of parliament acting upon the evidence, which had been given by the physicians before the privy council, and the opinion which he had himself delivered upon that occasion: He had then spoken, he said, from the impulse of the moment; but, being solicitous that the mode of proceeding should be perfectly satisfactory to the house in general, he wished to know, whether it was the sense of any number of gentlemen, that a particular inquiry before a committee of their own house, would be more regular and desirable. He stated, that since the last meeting of the house, two more physicians had been called in*, one of whom was particularly conversant in disorders of this kind, which might be considered as an additional reason for appointing a committee of the house to examine the physicians. He had thought it his duty to throw out these ideas; and, as the only mode of ascertaining the sentiments of the house, he moved, "That a

* Dr. Willis and Dr. Gisborne.

committee be appointed to examine the physicians, who have attended his majesty, touching the state of his health, and report such examination to the house." This motion was universally approved, and a committee of twenty-one members, proposed by Mr. Pitt, nine of whom were of the opposition party, was appointed, after which the house adjourned. 1788.

The committee met next day, and Mr. Pitt was chosen chairman. Those physicians, who had been examined by the privy council, repeated the opinions they had before delivered; and Dr. Willis, who was now examined for the first time, expressed a confident hope, that the king would recover, though he could not pronounce how long his majesty's illness might continue. He attributed the disorder to weighty business, severe exercise, too great abstemiousness, and too little rest. He added, that the medicine, which had been given to his majesty, since Sunday morning, with the intention of meeting and counteracting those causes, had already produced as much effect as he could reasonably have expected; and that his majesty had been gradually better from the first six hours after his taking it. Some of the other physicians admitted, that his majesty's general health was rather improved. The fact was, that the view which

CHAP. X. 1788.

Dr. Willis took of the king's complaint, was very different from that of the regular physicians: Their mode of treating his majesty, had, it was confessed, entirely failed; and, by the recommendation of Dr. Willis, a new plan was adopted, on their part with very slender, and on his with very sanguine, expectation of success.

After presenting the report of this examination to the house, on the 10th, Mr. Pitt observed, that his majesty's incapacity to transact any business having been now proved before a committee of their own members, and the time of his recovery declared to be extremely uncertain by all the physicians, it became the duty of parliament to provide for the present serious situation of affairs, with every proper degree of dispatch. The point to be agitated upon this occasion, he said, involved in it the future rights of sovereignty, the interests of the people, the welfare of the empire, and the fundamental principles of the constitution; and that the house might have the advantage of the wisdom of their ancestors to guide them in this arduous and momentous business, and know from authority, what steps had been formerly taken under similar circumstances, he moved, "That a committee be appointed to examine and report precedents

of such proceedings as may have been had, in case of the personal exercise of the royal authority being prevented or interrupted, by infancy, sickness, infirmity, or otherwise, with a view to provide for the same."

Mr. Fox, rising immediately, said, that it being undoubtedly the duty of parliament to lose no time in providing for the exigency of the present moment, he could not but consider the motion, which had been proposed, as unnecessary and improper. What were they going to search for? Not precedents upon their journals—not parliamentary precedents—but precedents in the history of England. He would be bold to say, nay they all knew, that the doing so would prove a loss of time; for there existed no precedent whatever, which could bear upon the present case. The mode of providing for it was not a matter of deliberation in that house; it rested elsewhere. There was then a person in the kingdom, different from any other, to whom existing precedents could refer, an heir apparent, of full age and capacity to exercise the royal power, on whom the government necessarily devolved. It behoved them, therefore, not to waste a moment, but to proceed, with all becoming speed, and all becoming diligence, to restore the sovereign power and the exer-

CHAP. X. 1788.

cise of the royal authority. The house being now in possession, in a regular and authentic manner, of the true state of the king's health, he contended, that it was then the precise time for them to decide, without the delay of a single moment. In his firm opinion, his royal highness the prince of Wales had as clear, as express, a right to assume the reins of government, and exercise the power of sovereignty, during the illness and incapacity of the king, as in the case of a natural demise; and it only rested with the two houses of parliament to pronounce, when his royal highness was to take possession of and exercise his right. He thought it candid, entertaining this opinion, to come forward fairly, and avow it at that instant. That the prince had not himself urged this his indubitable claim, he imputed to his known moderation, and his reverence for those principles, in the maintenance of which his family had flourished with so much prosperity and happiness, as sovereigns of the British empire. But ought his royal highness to wait unnecessarily? Ought he to wait while precedents were searched for, when it was known that none existed? He acquitted Mr. Pitt of any desire to create delay; and added, that being desirous of acceding to every proposition con-

sistent with the due solemnity of their proceedings, he should not resist the motion, although he had thought it incumbent upon him to declare his sentiments freely and unreservedly.

From the manner in which Mr. Fox asserted the right of the prince of Wales to the regency, it is evident that his object was, to sound the house, and to enable himself to form a judgment, how far it might be expedient to bring forward a regular motion upon that subject, on a future day. Mr. Pitt, who had made himself perfectly master of the question in all its parts and bearings, instantly perceived, that Mr. Fox had advanced an opinion, which he could not substantiate by any legitimate authority, and which was likely to be very unpopular both in parliament and in the country. Taking advantage therefore, with his usual quickness and adroitness, of this imprudence in his political antagonist, he replied, that he must be allowed the liberty of observing, that the right honorable gentleman had thrown out an idea, which he defied all his ingenuity to support upon any analogy of precedent, or to reconcile to the spirit and genius of the constitution. The doctrine which the house had just heard, was itself, if any additional ground were necessary, the strongest and most

CHAP. X. 1788.

unanswerable reason for appointing the proposed committee, which could possibly be assigned. If a claim of right was intimated, though not formally, on the part of the prince of Wales, to assume the government, it became of the utmost consequence to ascertain from precedent and history, whether there was any foundation for this claim, the establishment of which would preclude the house from the possibility of all deliberation upon the subject. He was confident, it would appear from the intended investigation, that to assert such a right in the prince of Wales, or in any one else, independent of the decision of the two houses of parliament, was little less than treason to the constitution. He said, that he did not mean then to enter into the discussion of that great and important point, because a fit occasion must soon be afforded to the right honorable gentleman and himself, for stating their respective sentiments upon it. In the mean time he pledged himself to this position, that in case of the interruption of the personal exercise of the royal authority, without any previous lawful provision having been made for carrying on the government, it belonged to the other branches of the legislature, on the part of the nation at large, the body they represented, to provide, according to their dis-

cretion, for the temporary exercise of the royal authority, in the name and on the behalf of the sovereign, in such manner as they should think requisite; and that, unless by their decision, the prince of Wales had no more right (speaking of strict right) to assume the government, than any other individual subject of the country. What parliament ought to determine, was a question of discretion. However strong the arguments might be on that ground, in favor of the prince of Wales, into which he would not enter at present, it did not affect the question of right; because neither the whole, nor any part of the royal authority, could belong to him in the present circumstances, unless conferred by the houses of parliament. He admitted, that the claim of his royal highness was entitled to the most serious consideration; and that very circumstance, he said, rendered it more necessary to learn, how the house had acted in cases of similar exigency, and what had been the deliberate opinion of parliament on such occasions. He would not allow, that no precedent, analogous to the present interruption of the personal exercise of the royal authority, could be found, although there might not exist a precedent of an heir apparent in a state of majority, during such an occurrence; but even in that

CHAP. X. 1788.

case he contended, that it devolved to the remaining branches of the legislature, on the part of the people of England, to exercise their discretion in providing a substitute.

Mr. Pitt insisted, that by the mode in which the right honorable gentleman had treated the subject, a new question presented itself, which, being of greater moment even than the one originally proposed, must be decided by the house. The question now was, the question of their own rights; and it was become a doubt, according to the right honorable gentleman's opinion, whether that house had, on this important occasion, a deliberative power. Let then parliament resolve, to learn and ascertain its own rights. Let every man in that house, and every man in the nation, who might hear any report of what had passed in the house that day, consider, that on their future proceedings depended their own interests, and the interest and honor of a sovereign, deservedly the idol of his people. Let not the house, therefore, rashly consent to the annihilation of the authority of parliament, in which the existence of the constitution was so intimately involved.

After Mr. Fox and Mr. Pitt had re-asserted their opposite opinions, Mr. Burke rose, and in reprobating Mr. Pitt's denial of the right of

the prince of Wales to assume the government without the authority of parliament, he called Mr. Pitt "a competitor of the prince;" and, in a subsequent part of his speech, he described him as "the prince opposite to him." Mr. Burke was called to order for the former of these expressions; and Mr. Pitt appealed to the house, whether the opinion which he had delivered, justified Mr. Burke in calling him a competitor of the prince. At the period of settling the constitution, on that foundation on which it now rested, when Mr. Somers and other great men declared, that no person had a right to the crown independent of the consent of the two houses of parliament, would it, he asked, have been thought fair or decent, to have pronounced Mr. Somers a competitor of the prince of Orange?

The committee of 21 persons, named by Mr. Pitt, of whom nine, as in the former committee, were the principal members of opposition, was appointed without any farther debate; and upon their report being presented to the house, on Friday the 12th of December, Mr. Pitt, who had been chairman of the committee, said, that as copies of the report could not be delivered till Monday, it would not be proper for him to submit to the house, any motion founded upon it earlier than Tuesday:

CHAP. X. 1788.

he therefore proposed, that on that day the house should resolve itself into a committee, to take into consideration the state of the nation.

Mr. Fox again asserted his opinion, that from the moment parliament was formally made acquainted with the king's incapacity, from that moment a right attached to the prince of Wales, to exercise the regal functions in the name of his father; and that nothing remained for the two houses but to make a declaration of that right, and, by a joint address, to request his royal highness to exercise the royal functions during the indisposition of his majesty; and that by virtue of his office as regent, he would enjoy all the powers of a sovereign. He added, that if his royal highness had done him the honor to ask his advice how to proceed, he should have told him, that as parliament was sitting, he thought his royal highness might send a message to either house, or to both houses, stating his claim, and calling upon them to recognize it. For his own part, he had entertained sanguine hopes, which he did not yet altogether abandon, that whatever doubt there might be of the right of the prince of Wales to exercise the royal authority, men of every description would have concurred in one leading and essential principle; and have

allowed the propriety, under present circumstances, of investing his royal highness with the sole administration of the government, and with the unlimited exercise of the royal functions and prerogatives. He requested Mr. Pitt to state, what sort of proposition he intended to bring forward on Tuesday, that the house might turn it in their minds, and be prepared to discuss it, with some degree of knowledge of its propriety and expediency; and he added, that it might be a convenience to himself, and to those who acted with him, to be acquainted with the general outlines of the whole plan, which Mr. Pitt intended hereafter to propose.

From this speech it appears, that Mr. Fox, being aware that his assertion of the prince of Wales's right to the regency, had been very ill received in the house, and had caused considerable alarm in the country, had relinquished the idea of pressing this claim upon parliament; and was now only anxious to procure for his royal highness, under the appointment of the two houses, the full enjoyment of all the powers of royalty. He seems also, at this time, to have apprehended, that it was the intention of Mr. Pitt to propose, conformably to the practice on former occasions in different reigns, a council of regency, without whose consent the prince should not be authorized to perform any important act of government.

CHAP. X. 1788.

Mr. Pitt expressed himself ready to afford Mr. Fox every satisfaction in his power, with respect to the plan he meant to pursue; but previously observed, that in his judgment it would be subversive of the principles of the constitution to admit, that the prince of Wales might, under any circumstances, seat himself on the throne, during the life-time of his father; and therefore, after what had been asserted upon that subject, he should think it his duty to bring forward the question of right, as a preliminary question. No other point could indeed be discussed, till they knew, whether they were sitting as judges, merely to pronounce upon the fact of the king's incapacity, or as a house of parliament possessing a power of deliberation, and capable of exercising their own discretion. They must first ascertain, whether that, which should be vested in the hands of the prince of Wales, was, a matter of adjudication on their part as a right in his royal highness, or a trust on behalf, and in the name, of his majesty. If this question should be determined in the manner he thought it ought, according to the true principles of the constitution, he should afterwards propose specific measures for providing for the interruption of the royal authority, occasioned by his majesty's present incapacity to exercise it.

He proceeded to declare, that however

decided he might be in his opinion against the whole or any part of the regal power being vested in the prince of Wales, as matter of right, in any way in which that right had been explained, he was equally ready to say, that as a matter of discretion, and on the ground of expediency, it was, in his opinion, highly desirable, that whatever part of the regal power it was necessary should be exercised at all, during this unhappy interval, should be vested in a single person, and that this person should be the prince of Wales: that he thought it also most consistent with true constitutional principles, and most for the public convenience, that his royal highness should exercise that portion of authority, whatever it might be, unfettered by any permanent council, and with the free choice of his political servants.

With regard to the portion of the royal authority, which ought to be given, and that which ought to be withholden, it would be premature in this stage to enter into any particular discussion; but he had no objection, even then, to declare in general, that whatever authority was necessary for carrying on the public business with vigor and dispatch, and for providing, during this interval, for the safety and interests of the country, ought to

CHAP. X. 1788.

be given; but, on the other hand, any authority, not necessary for those purposes, or capable of being, by possibility, employed in any way, which might tend to embarrass the exercise of the king's lawful authority, when he should be enabled to resume it into his own hands, ought to be withholden, because, from its being given, more inconvenience might arise to the future interests both of the people and of the crown, than any which could arise, in the mean time, from its temporary suspension.

Mr. Pitt added, that he could justify the principles of this explicit declaration of his intention, on the ground, that whatever was given to the regent, or withholden, ought to be given or withholden, with a view to the moment, when his majesty should be capable of resuming his rightful prerogatives; a circumstance, to which it peculiarly became him to look, in the situation in which he stood, honored with the confidence of a sovereign, to whom he was bound and strongly attached by the ties of gratitude and duty—but of this he would say no more. Whatever judgment might be formed of what he had declared, he was conscious of having given a free and an honest opinion. He conceived, that it would not be thought necessary for him to go any farther

into the subject at present, as in the committee on the state of the nation, with whom the whole adjustment of the regency must rest, it would be incumbent upon him to come forward with the different propositions separately, and to proceed, step by step, to mark and define, by distinct resolutions, what part of the royal prerogatives should be given, and what withholden.

Mr. Fox acknowledged, that Mr. Pitt had stated, and with extreme candor, nearly every thing which he desired, indeed full as much as he did, or had any right to, expect. Convinced, however, that he had imprudently advanced a doctrine, which could not be supported by any legitimate authority, and which was generally disapproved, Mr. Fox strongly deprecated the discussion of the question of right; and Mr. Sheridan, instead of profiting by Mr. Fox's former want of discretion, with still greater imprudence, now warned Mr. Pitt "of the danger of provoking that claim to be asserted, which had not yet been preferred." This expression evidently caused a considerable sensation in the house; and Mr. Pitt, instantly rising, observed, that he had now an additional reason for maintaining the authority of the house, and settling the boundaries of right, when the deliberative powers of parlia-

CHAP. X. 1788.

ment were invaded, and an indecent menace thrown out, to awe and influence their proceedings: he trusted, (speaking with great spirit and emphasis,) that the house would do their duty in spite of any threat, "however high the quarter from which it might come."

An attempt was also made in the house of lords, to prevent a formal decision upon this question. Lord Camden had condemned Mr. Fox's assertion of the prince's right, the day after it was made: he called it a new and extraordinary doctrine, likely to involve the country in infinite confusion and disorder; and added, that he had never met with such a notion in any writer, or heard it from any lawyer whatever. The lord chancellor also declared on the same day, that the doctrine was perfectly new to him, and he considered it as entirely unfounded: but, on the other hand, it was defended by lord Loughborough and lord Stormont. On the 15th, the day before the debate was to take place in the house of commons, lord Fitzwilliam entreated ministers to assure the house of lords, that the question of the prince of Wales's right, should not be discussed in that house, in which request both the duke of York and the duke of Gloucester joined; the former of whom said, that the sentiments and wishes of his brother were the

same; and that the prince neither had asserted, nor would assert, any claim of this sort. Lord Camden replied, that as the rights of the two houses had been questioned, it was absolutely necessary, that rights so essential and important should not be left unsettled and undecided. The conversation continued for some time; but at length it being evident, that ministers were determined to bring forward the question of right, the house adjourned.

What passed in the house of commons on the 12th, was misrepresented to the prince of Wales, in so extraordinary a manner, as to lead his royal highness to understand, that Mr. Pitt had given notice of his intention to open the whole of his plan of a regency, on the 16th; and, under that impression, he wrote on the 15th to the lord chancellor, complaining of Mr. Pitt, not only in this instance, but with respect to his whole conduct towards him, since the commencement of the king's illness. The prince stated the indecency of bringing forward a plan, by which he was to be appointed regent, without any previous communication with him; and required, that Mr. Pitt should send him in writing, through the chancellor, the outline of what he meant to propose.

Mr. Pitt being extremely desirous of re-

CHAP. X. 1788.

moving these misapprehensions from the mind of the prince, addressed the following letter to his royal highness:

"Downing-street,

"Sir, Monday, December 15, 1788.

"The lord chancellor delivered to me last night a letter, which he had received from your royal highness, from the contents of which I have the unhappiness to perceive, that both my general conduct, and what I have said in the house of commons, have been represented to your royal highness, in a light which I flatter myself neither of them deserves.

"Nothing could give me more concern than to be thought to take any step, inconsistent with the deference and respect which I owe to your royal highness. But I am not conscious of any conduct towards your royal highness, during the present unfortunate circumstances, or at any former period, which has not been dictated by those sentiments, as well as by my invariable attachment and duty to his majesty. I have certainly felt myself bound rather to wait the commands of your royal highness, than to intrude on your royal highness's time, without having received a previous intimation of your pleasure; at the

same time your royal highness will permit me to recall to your recollection, that I more than once had an opportunity humbly to express my readiness at all times to attend your royal highness, and have several times at Windsor had the honor to inquire, whether your royal highness had any orders for me; and have received for answer, that you had not. I should, however, in common with the rest of his majesty's servants, have felt it incumbent on me, before any specific plan was brought forward in parliament, to request your royal highness's permission humbly to submit it to your consideration.—With regard to what I have said in the house of commons, although I am satisfied that, if what passed in the debate had been faithfully related to your royal highness, you would have formed a very different judgment upon it, I nevertheless do not think myself at liberty, even in my own justification, to state to vour royal highness, the particulars of the language used by any other member. But I must beg leave respectfully to assure your royal highness, that I did not declare an intention (as your royal highness appears to have been informed) to lay before the house, on Tuesday next, the particulars of such a plan as the present circumstances may require.—The motion, of which I gave notice

CHAP. X. 1788.

for that day, relates to the question of the right of parliament to take the measures, which may be necessary and proper in the present conjuncture.—At the same time, from the circumstances in the debate, (to which I beg leave only to refer generally) I found it unavoidable to enter, in some degree, into my general ideas of the outline of the plan proper to be adopted; which, (if those circumstances had not occurred) I certainly should not have stated at all, till I was enabled to do so with more detail, and till I had previously asked your royal highness's permission to submit them to your consideration.—Those ideas were in substance, That it was, in my opinion, highly desirable that whatever portion of royal authority might appear necessary to be exercised during the present unhappy interval, should be vested in your royal highness.—That it should be exercised by your royal highness, unrestrained by any permanent council, and with the free choice of the political servants to act under your royal highness.—Precisely what portion of royal authority ought to be given, and what ought to be withheld, I conceived it would be improper then particularly to discuss; but I added, in general terms, the principle, on which in my opinion the distinction ought to be made, with a view to

the exigency of the public service, during the present interval, and to the situation of the king when his majesty should be enabled to resume the personal exercise of the government. Until the question of right should have been considered, I expressed my wish to abstain from going into any farther particulars, especially as, if the determination of the house should be contrary to the opinion which I thought it my duty to state on that subject, it would preclude me from bringing forward the propositions, which I should otherwise have to lay before them. Under these circumstances, I must entreat your royal highness's permission not to enter at present into any farther detail of the measures to be grounded upon the principles which I have stated.

" If I should be fortunate enough to find the sentiments, which I entertain, respecting the right of parliament, sanctioned by the determination of the house, I shall think myself highly honored, in the farther progress of this business, in being permitted, according to the wish and intention which I have always entertained, in conjunction with the rest of his majesty's servants, to submit to your royal highness, as explicitly as possible, the best opinions which we find ourselves enabled to

CHAP. X. 1788.

form, respecting the specific measures to be proposed for the consideration of parliament.

"I have the honor to be, with the utmost deference and submission,

Sir,

Your royal highness's most dutiful, and devoted servant,

W. Pitt."

Whether this explanation was satisfactory to his royal highness, Mr. Pitt had no means of knowing, as he was not honored with any reply; but throughout the business it was evident, that there were persons who constantly misrepresented to the prince, what Mr. Pitt said in the house of commons, and ascribed his conduct to motives and principles very different from those upon which he really acted.

In the committee on the state of the nation, on the 16th, Mr. Pitt observed, that a century had elapsed, since any point of equal importance had engaged the attention of parliament. The event, to which he referred, was, he said, the revolution, between which and the present situation of affairs, there was, it should be remembered, a great and essential difference. At the time of the revolution, the two houses had to provide for the filling a vacant throne;

at present, the throne was full, although in reality all the various functions of the executive government were suspended; but which suspension, they had reason to expect, would be only for a short period. While, however, it did continue, the safety of the crown and the interests of the people required, that some provision should be made for this deficiency in the legislature. The first report before the committee, established the melancholy fact of the king's utter incapacity to discharge any of the duties of his station. The second contained a collection of such precedents, extracted from the history of former times, as were in any degree similar to the present unfortunate situation of the country, and would serve to throw considerable light upon the subject, and point out to the house the mode of proceeding most proper to be adopted.

Notwithstanding the magnitude of the question—what provision ought to be made for supplying the present deficiency—there was one still greater and more important, as he had observed upon a former occasion, which must first be discussed and decided. The question to which he alluded, was, whether any person had a right, either to assume or to claim the exercise of the royal authority, during the incapacity of the sovereign; or whether it was

CHAP. X. 1788.

the right of the lords and commons of England to provide for the deficiency in the executive government, resulting from such incapacity, in the manner which they shall judge most expedient? By the assertion which had been recently made, a doubt, he said, had been thrown upon the existence of what he had ever considered as the most sacred and important right of the two houses of parliament; and therefore it had become indispensably necessary for them to decide that doubt, and by such decision ascertain, whether they had a power to deliberate; or whether it merely belonged to them to adjudge, that the right, which had been mentioned, was legally vested in his royal highness the prince of Wales. He confessed, that the assertion had not been made from any authority; and they had since heard, though not in that house, that it was not intended the claim should be urged; yet it having been once stated by a very respectable member of that house, as his opinion, that such a right did exist, it was an opinion of too much importance to be passed by unnoticed. He entreated the house to remember, that he had not stirred the question of right, originally. If, therefore, any serious danger were actually to be dreaded from its being discussed and decided, that danger and its consequences were

solely imputable to the first asserter of the right, and not to him. Had the doubt never been raised, an express declaration upon the subject would not have been necessary; but it was now become impossible for them to take a single step, till they knew their own character and power. He begged also, that it might not be attributed to him, that he was desirous of wasting time by bringing forward an abstract or speculative question, the discussion of which could answer no end, nor its decision afford any light to guide and assist them in their proceedings. Of a very different nature was the question of right, the resolving of which must regulate their whole conduct, with regard to the present important business, by determining, whether they were exercising their own rights for the safety of the crown, and the interests of the people, or whether they were usurping that, which had never belonged to parliament.

The first resolution he should propose to the committee, would be a matter of fact, as the ground of two others, which were designed to follow; and it would merely state, upon the authority of the report from the physicians, that his majesty was disabled by illness from coming to parliament, or attending to public business, from whence arose an interruption

CHAP. X. 1788.

of the personal exercise of the royal authority: to this resolution, he conceived, there would be no objection.

The second resolution would contain a declaration, that it was the right of the two houses of parliament, to provide the means of supplying the defect of the personal exercise of the royal authority, during his majesty's indisposition. He said, that in discussing this resolution, he would state the point at issue between himself and the right honorable gentleman opposite to him (Mr. Fox) fairly, and argue upon the solid and substantial difference of their opinions. If he had conceived the right honorable gentleman's meaning properly, he had asserted, that, in his opinion, the prince of Wales, as heir apparent, had, upon the incapacity of the king to exercise the sovereign authority being declared by parliament, as clear, as perfect, and as indisputable a right to take upon himself the full exercise of all the functions and prerogatives of his father, as if his majesty had undergone a natural demise. If this right could be proved to exist by any precedent drawn from history, by any positive law, or by the principles of the constitution, he wished to be told, what those authorities were, and where they were to be found; because in that case the ground would

be narrowed, and the proceedings of the committee rendered short and simple, as they would have no power or occasion to deliberate: the only step they could take would be, to recognize the claim of right. That claim of right, however, he denied to have any existence, capable of being sustained by any one of the proofs he had mentioned; and he called upon Mr. Fox to point out a single case of infancy, infirmity, or illness, of a sovereign, in h ich the full powers of sovereignty had been claimed and exercised by any individual whatever.

He desired to remind the committee, that the right honorable gentleman, when he first asserted the prince's right, declared, that he considered the motion for a committee to search for precedents, as unnecessary, because he was persuaded, and the house must allow, that no precedent could be found which bore upon the particular case of a prince of Wales, the heir apparent to the crown, being of full age, and capable of taking upon himself the exercise of the royal authority, under such circumstances as the present. There certainly was no case precisely in point; but the select committee had furnished the house with many precedents, from which analogies might be drawn. If the right attached to his royal

CHAP. X. 1788.

highness, under the present circumstances, in the same manner as on the demise of the king, an heir presumptive would succeed as perfectly as an heir apparent; and consequently those precedents which would apply in the one case, would apply in the other.

He should now, he said, refer the committee to the precedents in the report on the table, to convince gentlemen, that their result formed the most undeniable proof, that no such right existed as had been pretended. The first precedent was taken from the reign of Edward the third, during whose minority no heir presumptive had claimed the exercise of the royal authority. The parliament of those days, whether wisely or not, was no question before the committee, provided a council about the king's person to act for him; a clear proof, that they conceived the power existed with them to provide for the exercise of the royal authority. The next precedent was in the reign of Richard the second, during whose minority also counsellors were appointed by parliament to exercise the regal power. The third precedent occurred in the infancy of Henry the sixth. At that time the duke of Gloucester, the uncle of the king, and the person nearest the throne then in the kingdom, claimed the regency, and applied to par-

liament for it as his right; but the answer of parliament was, after a diligent search into the national records, that he had, neither by birth, nor by the will of his brother the late king*, any right whatever to the exercise of the royal authority. They, however, appointed him, in the absence of his elder brother, the duke of Bedford, protector, changing the name, to mark their own absolute power upon this subject. Here, then, was an instance of the claim of right having been actually made, and of a full and deliberate decision by parliament, that no such right existed. It clearly appeared, that in these three instances the royal authority was exercised under a grant of the two houses of parliament.

Having mentioned the power of parliament during the minority of a king, he would, he said, next state their power during the king's absence; and it had been asserted, he observed, that in the greater number of such cases, the power had been given to the prince of Wales. If cases of that kind could be adduced, he owned that they would be cases in point. But to prove what? To prove that such heirs apparent possessed no inherent

* Henry the fifth, upon his death-bed, had ordered, that the duke of Gloucester, during his son's minority, should be regent.

CHAP. X. 1788.

right, but derived their power from parliament. If a right existed to represent the king, it must be a perfect, and an entire right, a right admitting of no modification whatever, because if any thing short of the whole power were given, it would be less than by right might be claimed; and, consequently, the acceptance of less than the whole power, would be an acknowledgment, that no such right existed. By a reference to the antient records, it would be found, that the custos regni, or lieutenant of the king, had never been invested with all the prerogatives of the king himself. The powers granted to the custos regni had been different, under different circumstances; from which the plain and undeniable inference was, that the custodes regni did not hold their situation as a right, but by appointment. Mr. Pitt remarked that, in modern times, lords justices, which were only a different name for custodes regni, had been frequently appointed by parliament to the exercise of royal authority, in the absence of the king, and during the residence of a prince of Wales of age in the country, which proved, that the prince of Wales was not considered as possessing any inherent right to represent his father.

The last instance he should mention was,

where the exercise of the functions of government had been interrupted by severe illness, and which appeared to him to resemble, more nearly than any other, the present melancholy moment. The precedent to which he alluded was, in the thirty-third year of the reign of Henry the sixth, when the heir apparent was not of full age. In that case, the parliament appointed the duke of York regent; but conceiving the king's incapacity likely to be lasting, they looked forward to the time when the prince of Wales should attain full age, and granted him a reversionary patent, precisely the same with the duke's, to take effect when he should come of age. Both patents contained limitations, which proved the most positive denial of any right existing, independently of the authority of parliament. If the prince of Wales, when of age, would have possessed a right in himself to the regency, no patent would have been necessary, and any limitation would have been illegal. This instance, by providing for the case of an heir apparent being of full age, during the king's incapacity from illness, was sufficient to shew the sense of parliament in those days, upon the question of right: The prince was to derive his power, and that a limited one, from

CHAP. X.

1788.

parliament, and not from his own inherent right.

Having stated and argued upon these precedents, he said, that if no contrary precedents could be pointed out, which he knew to be the case, he should presume, that the committee would of course admit, that as far as the authority of former times was concerned, no right existed with an heir apparent, or heir presumptive, to assume the functions of royalty, on the temporary incapacity of the sovereign.

He next asserted, that no particular law, or the least analogy from any law, could be adduced in support of the doctrine of right: he challenged his opponents to point out any statute of that kind.

Mr. Pitt lastly adverted to the principles of the British constitution. In most countries, he said, such an event as the calamity which they all deplored, would have gone near to dissolve the bonds of the political union itself; but in this more happily tempered form of government, equally participating in the advantages, and at the same time avoiding the evils, of a democracy, an oligarchy, or an aristocracy, it would have no such effect; for though the third estate of the legislature might be deficient, yet the organs of speech of the people

remained entire in their representatives, the two houses, through whom the sense of the people might be taken. The lords and the commons represented all the estates of the people; and with them it rested as a right, a constitutional and legal right, to provide for the deficiency of the third branch of the legislature; whenever a deficiency arose, they were the legal organs of speech for the people, and such he conceived to be the true doctrine of the constitution. He would not merely state these as his own opinions, but he would state them to be the opinions of those who had framed the revolution; who had not, as was the case at present, to provide for the interruption of regal powers while the throne was full, but to supply the deficiency of the third branch of the legislature, which was wholly vacant. Whether the third branch, however, of the legislature was entirely gone, or suffered only a suspension, it was equally necessary to resort to the organs of the people's speech. Agreeably to the laws of the land, to the records of parliament, to precedent, and to the constitution, the political capacity of the king, except in cases of actual forfeiture of the crown, was always considered as legally entire; and, during that legal capacity, according to the spirit of the constitution, if any natural

CHAP. X. 1788.

incapacity should cause a suspension of the royal authority, it then rested with the remaining branches of the legislature to supply such defect. As the power of filling the throne, rested with the people at the revolution, and was exercised by parliament; so, on the same principles of liberty, on the same rights of parliament, did the providing for the present deficiency rest with the people, that is, with the lords and commons, their rightful representatives.

Mr. Pitt noticed, that on a former day, Mr. Fox had represented his majesty's situation as a civil death. Could the committee, he asked, consider the king's indisposition, which was not an uncommon case, and generally but temporary, as a civil death? He was sure they would not. If such a thing existed at the present moment as a civil death, his royal highness the prince of Wales would immediately ascend the throne, with the full exercise of the royal prerogatives, and not as a regent; for a civil death, like a natural death, was permanent. He stated from Mr. justice Blackstone, that there were but two cases, in which a man could undergo a civil death: the first was, his being banished from the realm by process of law; the second, by his having entered into religion, and becoming a monk professed,

thereby taking himself for ever from all secular concerns. The first was an act, which cut off a criminal from society within the realm; and the other was, the voluntary act of retiring from the world. Would any man pretend, that either of these cases was analogous to the visitation of Heaven, to a stroke inflicted by the hand of Providence, which might, and probably would, prove temporary? Could it be said, that they ought to be adduced as acts to prevent his majesty in future from exercising those powers, which he had never forfeited, which he had never renounced?

Mr. Pitt also noticed several arguments, which had been used in favor of the prince's right to the regency, upon the ground of his having certain rights, which did not belong to any other person: That the prince of Wales enjoyed rights peculiar to himself, Mr. Pitt admitted; but he contended, that the existence of those rights was perfectly irrelevant to the present question, and no more proved, that his royal highness had a right to the regency, than a man's having an estate in Middlesex, proved that he had another in Yorkshire, and a third in Cornwall.

"In thus controverting the right of the prince of Wales to the regency, and expressing my sentiments, without reserve, upon this

CHAP. X. 1788.

delicate point, I trust," said Mr. Pitt, "that I shall not be represented to the prince, as undutiful or disrespectful to his royal highness; but were I even certain that I should be so represented and considered, I feel that within which prompts me to do what I know to be right; and I will sacrifice every personal consideration to my zeal and attachment to my sovereign, and my duty to the public."

Having thus endeavored to establish the right of the two houses of parliament to provide the means of supplying the defect arising from the king's incapacity to exercise the sovereign authority, Mr. Pitt, towards the conclusion of his speech, expressed a hope, that the house would feel a conviction, that if they had a right, they had also a duty; a duty, which neither their allegiance, nor their affection, to their sovereign, would allow them to dispense with. It was absolutely necessary, not only unequivocally to declare their right, so that it might remain ascertained beyond the possibility of doubt hereafter, and become secured to posterity, but to proceed, without delay, to take preparatory measures for the exercise of that right; and this would be the subject of his third resolution. Upon no account did it seem probable, that their decision would either cause a dissension between the

two houses of parliament, or produce mischievous consequences of any kind whatever. On the contrary, if the right were not declared, it would appear, that the two houses had made a compromise unbecoming themselves, and had acted upon personal motives, rather than a due regard to the true interests of their country.

Mr. Pitt then moved the three following resolutions;—

"1. That it is the opinion of this committee, that his majesty is prevented, by his present indisposition, from coming to his parliament, and from attending to public business, and that the personal exercise of the royal authority is thereby, for the present, interrupted.

"2. That it is the opinion of this committee, that it is the right and duty of the lords spiritual and temporal, and commons, of Great Britain, now assembled, and lawfully, fully, and freely representing all the estates of the people of this realm, to provide the means of supplying the defect of the personal exercise of the royal authority, arising from his majesty's said indisposition, in such manner as the exigency of the case may appear to require.

"3. That for this purpose, and for main-

CHAP. X. 1788.

taining entire the constitutional authority of the king, it is necessary, that the said lords, spiritual and temporal, and commons, of Great Britain, should determine on the means, whereby the royal assent may be given in parliament, to such bills as may be passed by the two houses of parliament, respecting the exercise of the powers and authorities of the crown, in the name and on the behalf of the king, during the continuance of his majesty's present indisposition."

The first resolution passed unanimously, without any observation; but upon the second there was a long debate, in which Mr. Fox objected to the precedents, as not applicable to the present case, and as drawn from "dark and barbarous periods of our history," when civil liberty was not clearly defined and understood, when the rights of the different branches of the legislature were not ascertained, and when the free spirit of our constitution was not felt and acknowledged. Alluding to the assertion, that the prince of Wales, being of full age and capacity, had no more right to exercise the royal authority during his majesty's incapacity, than any other individual subject, he said, that if Mr. Pitt were to propose that question to the house, high as was his character, and great as was his influence within those walls,

he would not be supported by twenty members; that Mr. Pitt, finding his proposition generally reprobated, had subsequently come forward with a declaration, that though he would not admit the right of the prince of Wales to exercise the sovereign authority, during the incapacity of his father, yet he confessed, that on grounds of expediency, and as a matter of discretion, the person to hold the regency ought to be the prince of Wales, and no other. Mr. Fox contrasted the opposite opinions, which had been advanced respecting the right of the prince of Wales and the right of parliament, and asserted, that the former ought to be preferred to the latter, as being liable to far less inconvenience and danger: But why was the right of the prince to be discussed, which had neither been claimed, nor was intended to be claimed? Of this, no doubt could be entertained after the declaration, which had been graciously communicated from the highest authority, in another place. He owned himself indebted to the prince of Wales, because he had been pleased for several years to favor him with his confidence; but he assured the house, that the terms, upon which he lived with his royal highness, had no influence upon his public conduct.

CHAP. X. 1788.

Mr. Fox farther contended, that if Mr. Pitt's doctrine were admitted, the two houses might choose for a regent, a foreigner, a roman catholic, who, while he held the power of the third estate, might prevail on the other two branches of the legislature, to concur with him, in altering and setting aside the succession; and thus the house of Brunswick might be turned away, and put in the situation of the house of Stuart. The house shewed such evident marks of considering this supposition as extravagant, that Mr. Fox could not but notice it; and in his defence, he said, that the duke of York, when protector, had disinherited the prince of Wales, and the whole line of Lancaster. He then proceeded to state, that the making a law for the appointment of a regent, appeared to him, as far as it went, a conversion of the succession to the monarchy, from hereditary to elective: "when the king is in good health," said he, "the monarchy is hereditary; but when he is ill, and incapable of exercising the sovereign authority, it is elective." He argued upon the danger of allowing two of the three branches of the legislature to make laws, as radically changing the government, and of consequence, overturning the constitution: It was directly contrary to the 13th of Car. 2, which not only declared, that the two houses of

parliament could not make laws, without the consent and concurrence of the king; but also declared, that whoever should presume to affirm the contrary, should be guilty of high treason. He ridiculed the idea of the political as well as the natural capacity of the king remaining whole and entire, although he was pronounced incapable of exercising the royal functions. The legal metaphysics, which distinguished between the crown and its functions, were to him unintelligible. He said, that if the two houses could make whom they pleased regent, they could appoint the regent for a day, a month, or a year; turning the monarchy into a republic: That Mr. Pitt, while he denied the right of the prince of Wales, confessed it would be a breach of duty to think of any other regent; and all this, for the paltry triumph of a vote over a political antagonist, and to insult a prince, whose favor he was conscious he did not deserve.

He declared, he was ready to admit, that the right honorable gentleman's administration had been, in some respects, entitled to praise. He was ready to say, what were the parts which most deserved commendation, and as willing to give them his applause, as any member in the house. What he alluded to was, the

CHAP. X. 1788.

measures adopted to detach Holland from its connection with France. The whole management of that transaction, as well as its issue, was wise and vigorous, laudable and effectual; and he was happy to take every opportunity of delivering his sentiments concerning Mr. Pitt's ministerial conduct upon that occasion: of his other measures he certainly entertained a very different opinion. The right honorable gentleman, however, appeared to have been so long in possession of power, that he could not endure to part with it, and was at least resolved to destroy what he could no longer retain. He had experienced the full favor of the crown, and enjoyed the advantage of exerting all its prerogatives; and finding the operation of the whole not too much for the successful carrying on of the government, he had determined to cripple his successors, and deprive them of those advantages which he had possessed, and thus circumscribe their power to serve their country, as if he dreaded they should shade his fame. Let the right honorable gentleman for a moment suppose, that the business of detaching Holland from France, or any contingency of equal importance, remained to be executed, he must know, that there would be no power in the country to seize the advan-

tage, if the right honorable gentleman's principles were right*. With regard to the right honorable gentleman's motives, he knew not what they were; but if there was an ambitious man in that house, who designed to drive the empire into confusion, his conduct, he conceived, would have been exactly that, which the right honorable gentleman had pursued.

In reply, Mr. Pitt expressed his astonishment, that Mr. Fox had chosen, particularly in the latter part of his speech, to digress from the question of right, which was then before the house, in order to enter upon the question of expediency; and that, not so much for the purpose of discussing that expediency, as to take an opportunity of making a personal attack upon him. The house would recollect, whether the manner, in which he (Mr. Pitt) had opened the debate, either provoked or justified this animosity. The right honorable gentleman had accused him of acting from a spirit of ambition, unable to bear the idea of parting from power, which he had so long enjoyed, and of a disposition, in consequence of not expecting the favor of the prince, which

* If Mr. Fox had waited to hear Mr. Pitt's plan, he would not have made this observation, as it contained no restriction upon the power of the regent, with respect to treaties or alliances with foreign powers, or making peace or war.

CHAP. X. 1788.

he was conscious he did not deserve, to envy and obstruct the credit of those, who were to be his successors. Whether to him belonged that character of mischievous ambition, which would sacrifice the principles of the constitution to the desire of power, he must leave the house and the country to determine: they would decide, whether in any part of his conduct, during this unfortunate crisis, any consideration, which affected his own personal situation, or any management for the sake of preserving power, appeared to have had the chief share in suggesting the measures which he had proposed.

As to his being conscious, that he did not deserve the favor of the prince, he could only say, that he knew but one way, in which he or any man could deserve it—by having uniformly endeavored, in a public situation, to do his duty to the king his father, and to the country at large. If, in thus endeavoring to deserve the confidence of the prince, it should appear, that he had in fact lost it, however painful and mortifying that circumstance might be to him, and from whatever cause it might proceed, he should indeed regret it, but he could boldly say, that it was impossible he should ever repent of the line of conduct he had adopted.

The right honorable gentleman had thought

proper to announce himself and his friends to be the successors of the present administration. He did not know upon what authority that declaration was made; but he thought, that with a view to those questions of expediency, which the right honorable gentleman had introduced, both the house and the country were obliged to him, for this seasonable warning of what they would have to expect. The nation had already had some experience of that right honorable gentleman and his principles. It was well known to be the avowed system of him and his party, to endeavor, by the weight and extent of their political influence, to nominate the ministers of the crown. It could not be denied, that they maintained, as a fundamental maxim, that the minister ought at all times to be so nominated. He would therefore speak plainly: If persons, who professed these principles, were likely to be advisers of the prince, in the exercise of the powers which were necessary to be given during the present unfortunate interval, it was the strongest additional reason, if any were wanting, for being careful to consider, what the extent of those powers ought to be. It could not but be supposed, that by such advisers power would be perverted to a purpose, which it was indeed impossible to imagine, that the prince of Wales

CHAP. X. 1788.

could, if he were aware of it, ever endure for a moment; but to which, by artifice and misrepresentation, he might unintentionally be made accessary, and thus contribute to the creation of a permanent weight and influence in the hands of a party, which would be dangerous to the just rights of the crown, when the moment should arrive, so much wished, and perhaps so soon to be expected, of his majesty being able to resume the exercise of his own authority. The notice, therefore, which the right honorable gentleman, in his triumph, had condescended to give to the house, furnished the most irresistible reason for extreme caution, lest, in providing the means of carrying on the administration of public affairs during a short interval, they should sacrifice the permanent interests of the country in future, by laying the foundation of such measures as might for ever afterwards, during the continuance of his majesty's reign, obstruct the just and salutary exercise of the constitutional powers of government, in the hands of their rightful possessor, the sovereign, whom they all revered and loved.

Mr. Pitt added, that the right honorable gentleman had ventured to represent him as having declined maintaining his former assertion, that the prince of Wales had no more

right to the regency than any other subject in the country; and he had also intimated, that he (Mr. Pitt) had thus retracted, in consequence of believing, that not twenty persons would join in supporting that proposition. But it so happened, that he did not retract one single word of that assertion. Gentlemen might quarrel with the phrase, and misrepresent it; but he was in the recollection of the house, whether, when he first used the expression, he had not guarded it, as meaning to speak strictly of a claim of right, and not of any reasons of preference, on the ground of discretion or expediency. He was also in their recollection, whether the right he spoke of, was any other than the specific right in question, namely, the right to exercise the regal authority, under the present circumstances. He had maintained, that the prince had no such right. If the prince had not the right, he could not be said to have any more right than any other subject in the country. But was it any answer to the assertion, that as prince of Wales he had no right to the regency, to say, that he had other rights, different from the rest of the king's subjects, but which had nothing to do with the regency? Yet all the rights of the prince of Wales, which had been mentioned, were of that description.

CHAP. X. 1788.

With regard to the question, whether twenty persons did or did not agree in his denial of the right of the prince of Wales, he would put the whole on this issue, that if the prince of Wales had any such right, the resolution which he had moved, could not be true; and he considered every person, who differed from his assertion on that subject, as bound to vote against the present motion.

The right honorable gentleman, in discussing the question of right, chose also to remark, that the right of the two houses, and the right of the prince of Wales, were to be considered as rival rights, and that the only question was, in favor of which the arguments preponderated. He should be perfectly ready to meet the question on that issue, if it were the true one; for the right of the two houses was clearly supported by precedent and usage in every similar case; by express declarations of parliament; and by positive authority of law: yet the right of the prince of Wales was not even attempted to be supported on any of those grounds; but on pretended reasons of expediency, founded on imaginary and extravagant cases. In fact, this was not the fair issue of the argument. The right of the prince of Wales was not to be considered a rival right, to be argued on the same grounds as

the other. It was a right, which could not exist, unless it were capable of being expressly and positively proved; whereas the right of parliament was that, which existed of course, unless some other right could be proved to exclude it. It was that, which, on the principles of this free constitution, must always exist in every case, where no positive provision had been made by law, and where the necessity of the case, and the safety of the country, called for their interposition. The absence of any other right was in itself enough to constitute the right of the two houses; and the bare admission that the right of the prince of Wales was not clearly and expressly proved, virtually operated as an admission of every point, which he wished to establish.

The manliness with which Mr. Pitt delivered his sentiments, and the force and eloquence with which he urged his arguments, were greatly admired, and prevailed over Mr. Fox's unauthorized assertion of the prince's right, and his artful declaration, that he was to be the regent's minister, unquestionably designed to influence the votes of members: lord North's motion, for the chairman's leaving the chair, was negatived by a majority of 268 to 204; and Mr. Pitt's second and third resolutions passed without a division.

CHAP. X. 1788.

Upon these resolutions being reported to the house, three days afterwards*, the first passed with scarcely any remark; but upon the second, there was again a long debate, which ended without a division. With respect to the third, it is to be observed, that Mr. Pitt, having been called upon to explain what was meant by that resolution, had informed the house, that in case the resolutions he had moved should be agreed to, and also meet with the concurrence of the house of lords, it was his intention to propose, that the lord chancellor should be empowered, by the two houses, to put the great seal to a commission for opening the parliament in the usual form; and that, as soon as a bill should be passed by both houses, for providing for the exercise of the royal authority, under certain limitations, during his majesty's indisposition, another commission should be sealed, for giving to such act the royal assent. When, therefore, the third resolution was read, this mode was objected to, upon the ground of its being unnecessary and unconstitutional; and it was warmly contended, that as all were agreed the regency should be conferred upon the prince

* Colonel Fitzpatrick requested that this delay might take place on account of Mr. Fox's illness; to which Mr. Pitt consented.

of Wales, it would be more simple, and more conformable to what was done at the time of the revolution, to present an address to his royal highness, requesting him to take upon himself the administration of the civil and military government of the kingdom, during the incapacity of his majesty. An amendment to that effect, was moved by Mr. Dempster; and the debate being deferred to the next day, it was then negatived by a majority of 251 to 178, and the original motion was passed.

The three resolutions were, at a conference, delivered to the house of lords, who agreed to them, after two long debates, and one division, in which the numbers were 99 and 66.

These proceedings of the two houses were viewed with great interest by the people at large; and addresses were presented to Mr. Pitt, from a considerable number of counties and towns, in decided approbation of his conduct, and of the principles, to which, upon his proposal, parliament had given its sanction. The assertion of the prince of Wales's right to exercise all the powers of royalty, while his father was upon the throne, and laboring under only a temporary incapacity, had excited serious alarm in every part of the country; and from a warm and generous feeling of

CHAP. X. 1788.

loyalty and affection to the king, and a rooted distrust of those, who were likely to be the ministers of the regent, a most sincere anxiety prevailed, that in providing for the present exigency, no unnecessary power should be given; and that especial care should be taken to enable his majesty, whenever the happy moment of his recovery should arrive, to re-assume his authority, without embarrassment or difficulty

The two remaining branches of the legislature having established the principles, upon which they were to act in the present singular state of public affairs, it became incumbent upon his majesty's ministers to propose to parliament, for their sanction and confirmation, a plan for carrying on the executive government during his majesty's indisposition; and in conformity to his original design, Mr. Pitt previously submitted to the prince of Wales, the heads of the plan agreed upon by the cabinet, in the following letter, dated December 30:

"Sir,

"The proceedings in parliament being now brought to a point, which will render it necessary to propose to the house of commons, the

particular measures to be taken for supplying the defect of the personal exercise of the royal authority, during the present interval, and your royal highness having some time since signified your pleasure, that any communication on this subject should be in writing, I take the liberty of respectfully entreating your royal highness's permission to submit to your consideration the outlines of the plan, which his majesty's confidential servants humbly conceive (according to the best judgment which they are able to form) to be proper to be proposed in the present circumstances.

"It is their humble opinion, that your royal highness should be empowered to exercise the royal authority, in the name and on the behalf of his majesty, during his majesty's illness, and to do all acts which might legally be done by his majesty; with provisions, nevertheless, that the care of his majesty's royal person, and the management of his majesty's household, and the direction and appointment of the officers and servants therein, should be in the queen, under such regulations as may be thought necessary.—That the power to be exercised by your royal highness, should not extend to the granting the real or personal property of the king, (except as far as relates

CHAP. X. 1788.

to the renewal of leases,) to the granting any office in reversion, or to the granting, for any other term than during his majesty's pleasure, any pension, or any office whatever, except such as must by law be granted for life, or during good behaviour; nor to the granting any rank or dignity of the peerage of this realm to any person, except his majesty's issue who shall have attained the age of 21 years.

"These are the chief points, which have occurred to his majesty's servants.—I beg leave to add, that their ideas are formed on the supposition, that his majesty's illness is only temporary, and may be of no long duration.—It may be difficult to fix beforehand, the precise period for which these provisions ought to last; but if, unfortunately, his majesty's recovery should be protracted to a more distant period, than there is reason at present to imagine, it will be open hereafter to the wisdom of parliament to re-consider these provisions, whenever the circumstances appear to call for it.

"If your royal highness should be pleased to require any farther explanation on the subject, and should condescend to signify your orders, that I should have the honor of attend-

ing your royal highness for that purpose, or to intimate any other mode in which your royal highness may wish to receive such explanation, I shall respectfully wait your royal highness's commands.

"I have the honour to be,
with the utmost deference and submission,
Sir,
your royal highness's
most dutiful and devoted servant,
W. PITT."

"Downing-street, Tuesday night,
December 13th, 1788."

To this letter, the prince, on the 2nd of January, returned the following answer, which his royal highness delivered to the lord chancellor, to be communicated to Mr. Pitt:

"THE prince of Wales learns from Mr. Pitt's letter, that the proceedings in parliament are now in a train, which enables Mr. Pitt, according to the intimation in his former letter, to communicate to the prince the outlines of the plan, which his majesty's confidential servants conceive to be proper to be proposed, in the present circumstances.

"Concerning the steps already taken by Mr. Pitt, the prince is silent.—Nothing done

CHAP. X. 1789.

by the two houses of parliament can be a proper subject of his animadversion; but when, previously to any discussion in parliament, the outlines of a scheme of government are sent for his consideration, in which it is proposed, that he shall be personally and principally concerned, and by which the royal authority, and the public welfare may be deeply affected, the prince would be unjustifiable, were he to withhold an explicit declaration of his sentiments.—His silence might be construed into a previous approbation of a plan, the accomplishment of which, every motive of duty to his father and sovereign, as well as of regard for the public interest, obliges him to consider as injurious to both.

"In the state of deep distress, in which the prince and the whole royal family were involved, by the heavy calamity which has fallen upon the king, and at a moment when government, deprived of its chief energy and support, seemed peculiarly to need the cordial and united aid of all descriptions of good subjects, it was not expected by the prince, that a plan should be offered to his consideration, by which government was to be rendered difficult, if not impracticable, in the hands of any person intended to represent the king's authority, much less in the hands of his eldest

son—the heir apparent of his kingdoms, and the person most bound to the maintenance of his majesty's just prerogatives and authority, as well as most interested in the happiness, the prosperity, and the glory of the people. CHAP. X. 1789.

"The prince forbears to remark on the several parts of the sketch of the plan laid before him; he apprehends it must have been formed with sufficient deliberation, to preclude the probability of any argument of his producing an alteration of sentiment in the projectors of it. But he trusts, with confidence, to the wisdom and justice of parliament, when the whole of this subject, and the circumstances connected with it, shall come under their deliberation.

"He observes, therefore, only generally on the heads communicated by Mr. Pitt—and it is with deep regret the prince makes the observation, that he sees in the contents of that paper, a project for producing weakness, disorder, and insecurity, in every branch of the administration of affairs,—a project for dividing the royal family from each other—for separating the court from the state; and therefore, by disjoining government from its natural and accustomed support, a scheme for disconnecting the authority to command service, from the power of animating it by reward; and

CHAP. X. 1789.

for allotting to the prince all the invidious duties of government, without the means of softening them to the public, by any one act of grace, favor, or benignity.

"The prince's feelings on contemplating this plan, are also rendered still more painful to him, by observing, that it is not founded on any general principle, but is calculated to infuse jealousies and suspicions (wholly groundless, he trusts) in that quarter, whose confidence it will ever be the first pride of his life to merit and obtain.

"With regard to the motive and object of the limitations and restrictions proposed, the prince can have but little to observe.—No light or information is offered him by his majesty's ministers, on these points.—They have informed him what the powers are, which they mean to refuse him, not why they are withheld.

"The prince, however, holding as he does, that it is an undoubted and fundamental principle of this constitution, that the powers and prerogatives of the crown are vested there, as a trust for the benefit of the people, and that they are sacred only as they are necessary to the preservation of that poise and balance of the constitution, which experience has proved to be the true security of the liberty of the

subject--must be allowed to observe, that the plea of public utility ought to be strong, manifest, and urgent, which calls for the extinction or suspension of any one of those essential rights in the supreme power, or its representative; or which can justify the prince in consenting, that in his person an experiment shall be made, to ascertain, with how small a portion of kingly power the executive government of this country may be carried on.

"The prince has only to add, that if security for his majesty's re-possessing his rightful government, whenever it shall please Providence, in bounty to the country, to remove the calamity with which he is afflicted, be any part of the object of this plan, the prince has only to be convinced, that any measure is necessary, or even conducive to that end, to be the first to urge it as the preliminary and paramount consideration of any settlement, in which he would consent to share.

"If attention to what is presumed might be his majesty's feelings and wishes, on the happy day of his recovery, be the object, it is with the truest sincerity the prince expresses his firm conviction, that no event would be more repugnant to the feelings of his royal father, than the knowledge that the government of his son and representative had exhibited the

CHAP. X. 1789.

sovereign power of the realm in a state of degradation, of curtailed authority, and diminished energy,—a state, hurtful in practice to the prosperity and good government of his people, and injurious in its precedent to the security of the monarch, and the rights of his family.—Upon that part of the plan, which regards the king's real and personal property, the prince feels himself compelled to remark, that it was not necessary for Mr. Pitt, nor proper, to suggest to the prince, the restraint he proposes against the prince's granting away the king's real and personal property.—The prince does not conceive, that, during the king's life, he is, by law, entitled to make any such grant; and he is sure, that he has never shown the smallest inclination to possess any such power.—But it remains with Mr. Pitt to consider the eventual interests of the royal family, and to provide a proper and natural security against the mismanagement of them by others.

"The prince has discharged an indispensable duty, in thus giving his free opinion on the plan submitted to his consideration.

"His conviction of the evils, which may arise to the king's interests, to the peace and happiness of the royal family, and to the safety and welfare of the nation, from the govern-

ment of the country remaining longer in its present maimed and debilitated state, outweighs, in the prince's mind, every other consideration, and will determine him to undertake the painful trust imposed upon him, by the present melancholy necessity (which of all the king's subjects he deplores the most,) in full confidence, that the affection and loyalty to the king, the experienced attachment to the house of Brunswick, and the generosity which has always distinguished the nation, will carry him through the many difficulties inseparable from this most critical situation, with comfort to himself, with honor to the king, and with advantage to the public*.

"(Signed) GEORGE P."

"Carlton-house, Jan. 2, 1789."

To this communication the following reply was drawn up by Mr. Pitt, and sent to the prince of Wales, on the 5th of January:

"The king's servants have received the paper which your royal highness was pleased to communicate to them, through the lord chancellor.

"They beg leave respectfully to assure your

* Mr. Sheridan was supposed to have been materially concerned in drawing up this admirable composition.

CHAP X. 1789.

royal highness, that if the plan, which they took the liberty of submitting to your royal highness, had appeared to them in the light in which they have the mortification to observe, that it is considered by your royal highness, it would never have occurred to them to propose it. The king's servants, in forming this plan for the intermediate settlement, which the present temporary calamity requires, have had constantly in view that object, of which your royal highness expresses the fullest approbation, the restoring to the king, whenever his majesty's health is sufficiently recovered, the personal exercise of that government, which in right and in law still resides with his majesty; and also the providing in a competent manner, for the intermediate preservation of that dignity, which ought not to be separated from the royal person.

"In this view, while they considered the temporary exercise of the royal authority, on his majesty's behalf, and during his majesty's illness, as essentially different from the actual possession of the crown, they have at the same time been anxious to extend that authority to every article, which they could conceive essential or necessary for the temporary administration of the king's power.

"They have deeply to regret, that a plan,

formed to the best of their judgment for these purposes, should have appeared liable to the observations contained in the paper, which your royal highness has been pleased to communicate. But, as on the fullest deliberation, they cannot but consider the principles of that plan as resulting from their indispensable duty to their sovereign, and to the public; and as there is no part of the subject, on which your royal highness has intimated your pleasure to receive any particular explanation, they trust they shall not be thought wanting in the respect which they owe, and which they must always be anxious to testify, to your royal highness, if they still feel themselves bound to adhere to those principles, in the propositions to be offered to the consideration of parliament."

The business of the house of commons experienced a short interruption, by the death of the speaker, (Mr. Cornwall) on the 2d of January. On the 5th, Mr. W. Grenville, who was at this time joint paymaster of the forces, was proposed to be the new speaker, by the friends of administration, and sir Gilbert Elliott, by the opposite party. The former was chosen by a majority of 215 to 144; immediately after which, Mr. Pitt gave notice, that he should,

CHAP. X. 1789.

on the morrow, open to the house the restrictions, which he considered as necessary to be annexed to the regency.

When, however, the house met on the following day, Mr. Loveden observed, that as the limitations of the regency ought to have reference to the cause which created the necessity for their introduction, he conceived, that the house, before they proceeded to discuss that subject, should know precisely, what was the present state of his majesty's health; whether any alteration had taken place since the physicians were examined; and whether there was greater or less probability of his recovery. Reports, he said, of a very contradictory nature, were in circulation, under the pretended authority of different physicians; and it had even been asserted, that the opinions of the physicians were not faithfully communicated to the public, in the bulletins signed by them. Under these circumstances, he thought it the duty of the house to ascertain the truth, that they might adapt the restrictions to the expectation of a speedy, or of a distant recovery; and therefore he was desirous of offering a motion, to the following effect:—That a considerable space of time having elapsed, since the examination of the physicians, with respect to his majesty's health;

it is necessary to know, whether any alteration or amendment has taken place; and that, therefore, the physicians be called upon to inform the house, if the symptoms are such, as give reason to hope for the king's speedy recovery."

The members of opposition eagerly calling upon Mr. Loveden to make this motion, Mr. Pitt declared his opinion, that there was already sufficient information before the house; and, as it was of great importance that government should be in a situation to act with energy and effect as speedily as possible, it appeared to him, that another examination of the physicians would be an unnecessary and improper delay.

On the other hand, Mr. Fox contended, that the house ought to have a precise knowledge of the state of his majesty's health, immediately before their deliberations, as to what might or might not be fit restrictions to impose on the regent. He observed, that it was now four weeks since the physicians had been examined; and if all farther inquiry were refused, the inference must be, that his majesty continued in the same state, although it was not only publicly reported, that symptoms of convalescence had appeared in his majesty, but the lord chancellor had declared in the

CHAP. X. 1789.

house of lords, that he had grounds to hope soon to hear of his majesty's recovery. He adverted to the possible case of certain persons spreading rumors and reports, merely with a view to delude the people with false hopes, and to induce members of parliament to give their votes, under an ill-founded presumption of his majesty's recovery, of which there might not in truth exist the smallest probability. Mr. Burke also inferred, from the reluctance to allow any farther inquiry, that no improvement had really taken place in his majesty's health; and asserted, upon the authority of Dr. Warren, that the continuance of his majesty's disorder for four weeks, without any alteration, rendered a recovery less probable.

Mr. Pitt, who, from a desire of proceeding with all proper expedition, had at first objected to Mr. Loveden's proposal, now perceived, that, in consequence of the inferences and insinuations he had just heard, which he knew to be unfounded, it would be wise to consent to another examination of the physicians; and therefore he himself moved, "That a committee be appointed to examine the physicians, who have attended his majesty during his illness, touching the present state of his majesty's health, and to report such examination forthwith to the house." Mr. Sheridan proposed,

that all the words after "appointed" should be omitted, in order to substitute the following words, "to inquire into the nature and present state of his majesty's malady, and into the probability of his speedy recovery; and that they have power to send for such persons and papers, as they think may give them sufficient information concerning the same." The object of this amendment was, not to confine the examination to the physicians, but to authorize the committee to examine the king's attendants, and even the queen and any of the royal family, and likewise to demand the production of any papers or letters written by them upon the subject of the king's illness. Such a power would have been so highly indecorous, without tending to any one good purpose, that it cannot but excite surprise that the amendment should have been supported by 141 members: 221, however, voted against it. The original motion then passed; and a committee was appointed, consisting nearly of the same persons as the former committee. Mr. Pitt was also chairman of this committee.

The examination of the physicians occupied five days, during which, many irrelevant and improper questions were asked by some of the opposition members of the committee, and produced frequent and unpleasant altercations.

CHAP. X. 1789.

The report, containing 400 folio pages, was presented to the house on the 13th; and printed copies of it having been delivered on the 15th, Mr. Pitt introduced the subject of the restrictions on the 16th.

He began by expressing his concern, that the melancholy situation of his majesty, which rendered him incapable of exercising the royal authority, called upon the two houses of parliament to provide the means of supplying the deficiency in the executive government. In adverting to the report, which had been recently presented to the house, he observed, that though the physicians by no means agreed upon some-points, they were unanimous in thinking, contrary to what had been asserted in that house, that the lapse of a month had not rendered his majesty's recovery less probable; and he added, that those, who were most conversant with the disorder, were most sanguine in their expectations. One of them in particular, Dr. Willis, whose experience was by far the greatest, and who was the only physician in constant attendance upon his majesty, was of opinion, that since the former examination, all the symptoms were become more favorable, and that the disorder had already abated. He felt himself, therefore, justified in stating, that what the house had to

provide for, was, no more than an interval, and he flattered himself, that it would prove a short interval. If, however, his majesty's illness should unfortunately be protracted, they might leave to parliament to do what was at present clearly unnecessary, to consider of a more permanent plan.

Great attempts having been made, in the late examination of the physicians, to depreciate the testimony and character of Dr. Willis, Mr. Pitt felt it, he said, but common justice to commend the firmness, integrity, and good sense of that gentleman, which were evinced under a severe cross-examination, calculated to puzzle simplicity, and leave the coolness, which ought always to accompany the delivery of evidence, too unguarded. He mentioned him as standing in the highest estimation in the country where he lived, and as respected and loved for the happiness he had been the means of giving to numerous families, who were bound to bless him for the good effects of his care and skill. After alluding to the political intrigues of the times, and the party spirit, which had given rise to reports and bias to opinions, he noticed the marked disagreement between Dr. Willis and Dr. Warren; he admitted that the professional character of the latter was high, but declared, that if he wished

CHAP. X. 1789.

to draw a true conclusion of his majesty's state of health, and of the probability of his recovery, he should rely upon the judgment of Dr. Willis, rather than of any other physician.

It was the main duty of parliament, he said, at the present moment, to establish a government in the country equal to its safety, and to the dispatch of public business. In making a provision of this kind, they were to take care, that the measures adopted did not go beyond the necessity of the case, and that the powers were trusted to proper hands; but above all things, they were to recollect, that they were not placing a king upon the throne. They were to remember, that the throne was full, and that no right any where existed to exercise the royal authority, unless conferred by the two houses of parliament; and that it was incumbent upon them, to guard against any embarrassment in the resumption of the regal authority, whenever God, in his providence, should permit the rightful holder to exercise it. The proposal, therefore, which he should make, and which would be the subject of his first resolution, would be, to invest his royal highness the prince of Wales with the regal authority, to be exercised, in the name and on the behalf of his majesty, under such limitations and restrictions only, as should be specified.

The principle was not new, although the precise circumstances of the case, to which it was to be applied, happened to be unprecedented. No man would say, that the same power, which the principal enjoyed, ought to be given to the temporary delegate. He referred to all the precedents, both antient and modern, which the history of the country afforded, and shewed, that in no one instance had all the royal prerogatives been delegated to one person; and upon these authorities he thought it right, that the present regent should not be entrusted with any powers, which were not requisite for carrying on, during a short period, the government of the country with energy and effect.

Mr. Pitt then proceeded to state the limitations; the first of which was, to restrain the regent from granting peerages, except to his majesty's sons, being twenty-one years of age. This restriction he thought necessary, as the regent might otherwise create such a number of peers, as would considerably embarrass his majesty in carrying on the government of the country, when he should be restored to health. The object in investing the crown with the power of creating peers, was, to enable the sovereign to distribute rewards to persons of eminent merit, and to give him the means of

CHAP. V. 1789.

adding to the number of one of the branches of the legislature. This was a prerogative, which belonged personally to the king; and no serious inconvenience could arise from depriving the regent of it, for a short time. If his majesty recovered, as they all hoped and had reason to expect he would, the power of creating peers might be exercised by him; but if, unfortunately, his majesty should grow worse, and be pronounced not likely to recover for a long time, parliament might take off the restriction, and vest the regent with a power, which, though not at present, he was ready to admit, might in time become necessary to the carrying on of a powerful government.

The second restriction was, to prevent the regent from granting any reversion, or any office, or pension, for any other term than during his majesty's pleasure, except such offices as were by law required to be granted for life, or during good behavior. This restriction resting upon the same principle as the former, Mr. Pitt did not think it necessary to enter into any farther explanation of it.

The third restriction was, to prevent the regent from exercising any power over the real or personal property of the king. Mr. Pitt observed, that he scarcely thought a resolution

upon that subject necessary, but as they were acting upon parliamentary principles, it was his duty to submit it to the committee. CHAP. X. 1789.

Mr. Pitt added, that he meant these three restrictions, (the only ones he intended to propose,) to be the subjects of as many separate resolutions; and having informed the committee, that he should defer the consideration of the care of the king's person, which was the only remaining topic, to another day, he moved the first resolution, in the following words:

"That for the purpose of providing for the exercise of the royal authority, during the continuance of his majesty's illness, in such manner, and to such extent, as the present circumstances, and the urgent concerns of the nation, appear to require, it is expedient, that his royal highness the prince of Wales, being resident within the realm, shall be empowered to exercise and administer the royal authority, according to the laws and constitution of Great Britain, in the name and on the behalf of his majesty, and under the style and title of regent of the kingdom, and to use, execute, and perform, in the name and on the behalf of his majesty, all authorities, prerogatives, acts of government, and administration of the same, which belong to the king of this

CHAP. X. 1789.

realm to use, execute, and perform, according to the laws thereof, subject to such limitations and exceptions as shall be provided."

Mr. Powys, after condemning the whole of Mr. Pitt's system as a monstrous fabric, tending to mutilate and dismember the constitutional authority of the crown, and asserting, that the prince of Wales ought to be invested with every power and prerogative of royalty, without any exception or restraint, moved as an amendment, to omit the whole of the resolution after the word "illness," and to substitute the following words, "and preserving the constitution of Great Britain undisturbed, and the dignity and lustre of the crown unimpaired, his royal highness the prince of Wales be appointed, during the present indisposition of his majesty, and no longer, in the name of the king and in his stead, to exercise and administer, according to the laws and constitution of Great Britain, the regal power of government, under the style and title of regent of the kingdom; and to use, execute, and perform all prerogatives, authorities, and acts of government, which might have been lawfully used, executed, and performed, by the regent and council of regency, constituted and appointed by an act of the 5th of his present majesty, cap. 27."

After a long debate, in which the speaker made a very comprehensive and excellent speech, in support of every part of Mr. Pitt's plan, the committee divided upon the amendment proposed by Mr. Powys, which was negatived by a majority of 227 to 154; and the original resolution passed.

The second resolution was then moved, which was as follows: "That the power so to be given to his royal highness the prince of Wales, shall not extend to the granting of any rank or dignity of the peerage of the realm to any person whatever, except to his majesty's royal issue, who shall have attained the full age of 21 years." This resolution was carried by a majority of 216 to 159.

The following were the third and fourth resolutions:

"That the said powers shall not extend to the granting of any office whatever in reversion, or to the granting of any office, salary, or pension, for any other term than during his majesty's pleasure, except such offices as are by law required to be granted for life, or during good behavior."

"That the said powers shall not extend to the granting of any part of his majesty's real or personal estate, except as far as relates to the renewal of leases."

CHAP. X.

These two resolutions passed without any division, and the house adjourned.

1789. On Monday the 19th, Mr. Pitt opened the fifth and last resolution, which related to the care of the king's person: he said, that all men would be unanimous in agreeing, that the person of his majesty, during his illness, should be placed under the guardianship of the queen, whose virtues and amiable character were universally known, from a residence of nearly 28 years in this kingdom; and to enable her majesty effectually to discharge this important trust, and at the same time to preserve the dignity of the king, it was his intention to propose, that the whole of his majesty's household should be continued, and put under the authority of the queen, with full power to dismiss and appoint, as she shall think proper. Many officers of the household were in actual attendance upon the king; and it seemed incongruous in the highest degree, and might be productive of mischievous consequences, that the queen should have the care of the person of the king, and that those who attended upon his majesty, should be under the control of the regent. The offices of master of the horse, lord steward, and lord chamberlain, could not be abolished or suspended, without entirely new modelling the

household, which no one could wish, while there were such well-founded hopes of his majesty's speedy restoration to health. The lords of the bedchamber might not indeed be thought necessary, under present circumstances; but surely a generous and liberal nation would not refuse to support the expence, during his majesty's illness, of those officers, who formed a part of his royal state, and whose dismissal must give pain to his majesty, upon his recovery. It seemed to be but a just attention to his majesty, and a due regard to his feelings, that when he awoke from his present trance, he should still find those in his service, whom he had chosen to preside over the different departments in his family, and to be employed about his royal person: and this was equally a reason against the abolition of the household, or placing it under the authority of the regent.

It had been objected, Mr. Pitt said, that the political influence, which would be derived from this patronage being vested in the hands of the queen, might be perverted to factious purposes. That all power was subject to abuse, was a proposition, which could not be controverted. But was it in any degree probable, was it even decent to suppose, that the respectable personage in question,

CHAP. X. 1789.

would become the instrument of any factious opposition, even if such an opposition should be formed, to the government of her son? He asked, whether this objection had been urged against the establishments provided for other branches of the royal family, the influence of which was certainly as likely to be exerted against administration? Surely that would not be denied to the king, which had been granted to his sons. But though he thought it highly disrespectful and indecent to take advantage of his majesty's temporary absence of mind, to alter his household, and was convinced, that no serious inconvenience would arise from suffering it to remain under the direction of the queen, yet he admitted that the regent ought to have a retinue adequate to the importance and high rank of his station; for which purpose, he meant, on a future occasion, to submit a proposition to the house; and this additional patronage would be some compensation for the loss of the appointment to the offices of his majesty's household. He proposed, that a council should be named, to assist the queen with their advice, whenever she might require it, but without any power of control; and that they, or some other persons, should be appointed to manage the real and personal estate

of the king, with a restriction, that they should not alienate or dispose of any part of it, except by lease.

After this explanation, he moved the following resolution: "That the care of his majesty's royal person, during the continuance of his majesty's illness, should be committed to the queen's most excellent majesty, and that her majesty should have power to remove from, and to nominate and appoint such persons as she shall think proper to the several offices in his majesty's household, and to dispose, order, and manage, all other matters and things relating to the care of his majesty's royal person, during the time aforesaid; and that for the better enabling her majesty to discharge this important trust, it is also expedient, that a council should be appointed, to advise and assist her majesty in the several matters aforesaid; and with power, from time to time, as they may see cause, to examine upon oath, the physicians and others attending his majesty's person, touching the state of his majesty's health, and all matters relative thereto."

In the debate which followed, Mr. Bouverie moved, that the second clause in the resolution, authorizing the queen to remove or continue the king's household establishment, should be omitted: but this motion was re-

CHAP. X. 1789.

jected by a majority of 229 to 165; and a motion of lord North, to add the words "for a limited time," was negatived by a majority of 220 to 164: The resolution passed in its original form.

These five resolutions were communicated to the house of lords, at a conference on the 20th, and their concurrence to them requested.

The house of commons was informed, on the 26th, that the house of lords had agreed to the resolutions; upon which Mr. Pitt observed, that the next step would be to lay the resolutions before the prince of Wales, that parliament might know authentically, whether his royal highness would be willing to accept the regency, under the proposed regulations; the correspondence, which had already passed between his royal highness and himself, upon this subject, being of a private nature, and such as the house could not act upon; and, therefore, he gave notice, that he should make a motion for that purpose, on the following day.

On that day, the five resolutions were read; and Mr. Pitt, after observing, that the proposal which he was about to submit to the house, appeared to him as a matter of course flowing from the steps already taken, moved,

"That a committee be appointed to attend

his royal highness the prince of Wales, with the said resolutions, which have been agreed to by the lords and commons, for the purpose of supplying the defect of the personal exercise of the royal authority, during his majesty's illness, by empowering his royal highness to exercise such authority, in the name and on the behalf of his majesty, subject to the limitations and restrictions, which the circumstances of the case appear, at present, to require; and that the committee do express the hopes, which the commons entertain, that his royal highness, from his regard to the interests of his majesty and the nation, will be ready to undertake the weighty and important trust, proposed to be invested in his royal highness, as soon as an act of parliament shall have been passed, for carrying the said resolutions into effect."

In the course of the debate which followed, Mr. Grey accused Mr. Pitt, in general terms, of having acted, throughout the business of the regency, with a manifest want of attention and respect to the prince of Wales. Mr. Pitt denied the charge; and said, that he had been always studious to shew every mark of exterior respect to the sovereign, to the prince of Wales, and to every branch of the royal family. The truest respect he could pay to them, was, by cultivating the interests of that nation, which

CHAP. X. 1789.

the ancestors of the present royal family were called upon to govern; and by watching over the safety of that constitution, in the protection of which the prince of Wales would one day be more deeply interested. He called upon Mr. Grey to state distinctly, to what he alluded, that he might have an opportunity of vindicating himself.

Mr. Grey, in reply, stated, that in the first place, Mr. Pitt shewed great want of respect and attention to the prince of Wales, when the privy council was summoned to examine his majesty's physicians; his royal highness having received only the ordinary summons sent to the other members of the council. The next want of respect and attention was, in Mr. Pitt's not having submitted the whole of his intended plan to the prince, before any of the proceedings in parliament took place, and, indeed, previously to its public statement in that house. A third instance he should mention, was chiefly grounded on public report, and that was, the manner in which the proposed restrictions were communicated to the prince.

Mr. Pitt, in allusion to the reports, which had been some time in circulation, of his having behaved towards the prince of Wales with disrespect, thanked Mr. Grey, for stating the charges so fairly and explicitly, and affording

him an opportunity, which he could not otherwise have had, of meeting them in the face of that house, and of the public; the only way in which he could have noticed them, consistently with what was due to himself and to the country. The first charge was, a failure of respect in the manner of sending notice of the meeting of the privy council to the prince of Wales; which he might easily have gotten rid of, by saying, that if it was proved an error, it was not his error, but that of the lord president of the council*. He disdained, however, to avoid taking his share of the blame, which might be thought imputable to any part of the conduct of that venerable and respectable peer, with whom it was his pride and happiness to act, and with whom he lived in habits of the utmost cordiality and confidence. The honorable gentleman, he must take the liberty of asserting, had been grossly misinformed in point of fact. So far from the event having passed as the honorable gentleman had related, his royal highness received a special letter written by the lord president of the council,

* This could not but be known to Mr. Grey: but the fact was, that Mr. Pitt was understood to be so much the active and directing member of administration, that he was considered responsible for every act of every person, in every department; and this not only at the present moment, but during the whole of his administration.

CHAP. X. 1789.

stating the subject to be submitted to the privy council: his royal highness had therefore been summoned in a manner the most respectful, and totally different from that in which any other member of the privy council had been summoned, excepting only the other princes of the blood.

The second charge seemed to imply, that his majesty's ministers ought previously to have consulted the prince of Wales, upon the measures which they were to take, in the difficulty wherein they found themselves involved, in the execution of the trust reposed in them by the king. It was perfectly true, he acknowledged, that his majesty's ministers had not concluded it to be their duty, to receive orders from the prince of Wales, at a time when they were the servants of the crown, and his royal highness was in no political capacity; neither had his royal highness any authority to give his majesty's ministers a single order of any description whatsoever. They felt, that the responsibility for every step, which they took, rested upon themselves, and consequently, that they had a right to exercise their own discretion. With regard to his not having acquainted the prince of Wales with the whole of his plan, before he opened it in that house, he begged gentlemen to recollect what had

passed, and he believed it would be granted, that, all the circumstances considered, it was a little hard, that it should be made a matter of charge against him of want of respect and attention to his royal highness. He had resolved, as soon as a plan should be adjusted, to communicate it to the Prince, previously to his stating it to the house; but in the course of the debate, when the question of right was preliminarily under discussion, gentlemen would remember, that he had been called upon, particularly by a right honorable gentleman (Mr. Fox,) to state the general outlines of his plan; the right honorable gentleman declaring expressly, that it was a matter of information equally desirable to himself and his friends, to know in what manner he (Mr. Pitt) meant to proceed. In the moment that he was thus publicly and unexpectedly called upon, it was impossible for him to suppress the outlines of the plan, without offence to the house; he was under the necessity of giving them, and they were communicated to the Prince, according to his commands, soon after the debate. It had been his wish, he said, not to mention any part of his plan, till after the question of right was discussed; because, as the question of right involved in it considerations, the decision upon which might supersede the necessity and pro-

CHAP. X. 1789.

priety of that house deliberating at all upon any farther steps to be taken, it seemed expedient to have that question settled prior to any other proceeding.

As to the third and last instance, of disrespect, of which he had been accused, he understood, that the report, relative to the manner in which the proposed restrictions had been communicated to the prince of Wales, had gone to such an extravagant length, that it had been believed for some time, both in town and in the country, not only that he had sent a message to his royal highness by a livery servant, but that the message had been verbal. The public will, however, now learn with certainty, that the communication had been made respectfully in writing; and that the letter had been sent, not by a livery servant, but by a messenger dispatched for the especial purpose. He had repeatedly made communications to his royal highness before, precisely in the same mode, without incurring blame, or hearing any complaint; and, during the five years he had been in administration, he had never communicated any of the numerous papers and dispatches, which he had from time to time found occasion to transmit to his majesty, in any other manner.

This clear and manly explanation upon

points, which, however trifling they may now appear, excited no small interest at the time, was considered by the house as perfectly satisfactory.

Mr. Sheridan, towards the conclusion of the debate, proposed an addition to the motion, stating, that the restrictions were formed upon the supposition, that his majesty's illness would be only of short duration; but Mr. Pitt objecting to this amendment as totally unnecessary, it was negatived without a division, and the original motion was passed.

Mr. Pitt next moved, "That the resolution agreed to by the lords and commons, respecting the care of his majesty's royal person, and the direction of his majesty's household, be laid before her majesty, with an humble address, expressing the hope which the commons entertain, that her majesty will be graciously pleased to undertake the important trust proposed to be invested in her majesty, as soon as an act of parliament shall have been passed for carrying the said resolution into effect:" This motion passed with scarcely any observation, and it was then agreed, that these resolutions should be communicated to the house of lords, at a conference, and their concurrence requested: This concurrence was granted, after a short debate, without any division.

CHAP. X. 1789.

The resolutions were respectively presented to the prince of Wales, and to the queen, by two members of the house of lords, and four of the house of commons; and Mr. Pitt having been one of the members of the house of commons, appointed to attend the prince of Wales upon this occasion, reported to the house, the following answer from his royal highness:

"My Lords and Gentlemen,

"I thank you for communicating to me the resolutions agreed to by the two houses; and I request you to assure them, in my name, that my duty to the king my father, and my anxious concern for the safety and interests of the people, which must be endangered by a longer suspension of the exercise of the royal authority, together with my respect for the united desires of the two houses, outweigh in my mind every other consideration, and will determine me to undertake the weighty and important trust proposed to me, in conformity to the resolutions now communicated to me.—I am sensible of the difficulties that must attend the trust, in the peculiar circumstances in which it is committed to my charge, in which, as I am acquainted with no former example, my hopes of a successful admini-

stration cannot be founded on any past experience; but confiding, that the limitations on the exercise of the royal authority, deemed necessary for the present, have been approved only by the two houses, as a temporary measure, founded on the loyal hope, in which I ardently participate, that his majesty's disorder may not be of long duration; and trusting in the mean while, that I shall receive a zealous and united support, in the two houses, and in the nation, proportioned to the difficulty attending the discharge of my trust in this interval, I will entertain the pleasing hope, that my faithful endeavors to preserve the interests of the king, his crown, and people, may be successful."

Lord Courtown, one of the members of the house of commons, appointed to attend the queen, reported to the house the following answer from her majesty:

"My duty and gratitude to the king, and the sense I must ever entertain of my great obligations to this country, will certainly engage my most earnest attention to the anxious and momentous trust intended to be reposed in me by parliament.—It will be a great consolation to me, to receive the aid of a council,

CHAP. X. 1789.

of which I shall stand so much in need, in the discharge of a duty, wherein the happiness of my future life is, indeed, deeply interested; but which a higher object, the happiness of a great, loyal, and affectionate people, renders still more important."

The prince of Wales having consented to accept the regency, under the proposed limitations, and the queen to undertake the care of the person of the king, with suitable powers, and assisted by the advice of a council, ministers thought it their duty to proceed with all practicable expedition; and, accordingly, lord Camden, on Saturday the 31st of January*, the day on which the above answers were reported to the house of lords, stated, that the next necessary measure fell under that resolution, by which it was decided to be requisite to determine on the means, whereby the royal assent might be given in parliament, to such bills as may have been passed by the two houses, respecting the exercise of the powers and authorities of the crown, in the name and on the behalf of the king, during his majesty's indisposition. He had, he said, undertaken to explain the mode, by which his majesty's

* It is not usual for the houses of parliament to meet on a Saturday, except upon very extraordinary occasions.

ministers proposed to carry those means into effect, in order to elect and appoint a regent, under a perfect conviction, that amidst a choice of evils, the mode he was about to submit to the house, was the least objectionable, and the most fit to be adopted, because it was the most reconcileable to the principles of the constitution. In the present melancholy situation of affairs, the incapacity of his majesty to discharge the duties of his station, was severely felt, and the people began to complain, that the country was left without a government: They were impatient for the restoration of the constitution to its complete form, that of the three estates, from the co-operation of which the government derived its energy, and all its functions proceeded with regularity and with vigor. It was, therefore, necessary, that parliament should interpose its authority; but parliament could not take a single step, circumstanced as it was at present; without the king it was a headless trunk, perfectly inanimate, and incapable of acting: No one thing could be done, by the two houses, which assumed the character, or aimed at the efficacy, of legislation, without the king at the head, to substantiate the act, and give it a constitutional currency. The king must be on the throne in that house, or by some means or

CHAP. X. 1789.

other signify his sanction to their proceedings; or, notwithstanding the resolutions they had passed, all their time would have been wasted, and all their pains thrown away. The first step now to be taken was, to open the parliament, and to do it by the king's authority. The law declared, that in one mode or other, the king must be there, to enable them to proceed as a legislative body. That his majesty, from his illness, could not attend personally, was a fact too well known to be disputed.—Deprived of the assistance of his majesty in his natural capacity, they were compelled to resort to his political capacity. It must then be considered, by what means the king exercised his parliamentary prerogative, when he did not exercise it personally. The legal and constitutional mode was, by issuing letters patent, under the great seal. In the present dilemma, consequently, the most safe means of opening the parliament would be, by directing letters patent to be issued in the king's name, under the great seal, authorizing commissioners to open parliament in the name of his majesty.

What he now proposed, had been hinted at in the late debates, and, by way of ridicule, it had been termed a fiction, a phantom, and a variety of other contemptuous names. A

fiction these means might be called, but it was a fiction, admirably calculated to preserve the constitution, and by adopting its form, to secure its substance. This fiction, in the first place, kept the throne entire, if the king should be living, but in his natural character incapable of exercising the royal authority. Secondly, no bill which had not the king's name at the head of it, and therefore purported to be of royal authority, could have a legal effect—a deficiency, which this fiction would cure. Thirdly, if a king should for a time be deprived of the power of exercising his royal prerogatives personally, either from not being of age, or from being rendered incapable of attending parliament by illness or any other cause, on his return to his powers of action as a sovereign, he would see, that all his prerogatives had been carefully preserved, and that they all stood minuted down upon record. A sovereign's sentiments were known only by record, and therefore it was absolutely necessary to issue a commission to open the parliament; and if that ground were admitted, which, he conceived, could not be denied, by whose authority was a commission, such as he had described, to be issued? Would it be said, that his royal highness the prince of Wales could command the lord chancellor to put the

CHAP. X. 1789.

great seal to such a commission? His royal highness had not the smallest pretence to assume such an authority—both houses had recently voted, that the prince had no such right.—Would the lord chancellor himself venture to do it? Undoubtedly he would not. The commission must be issued by some authority; and being once issued with the great seal annexed to it, it must enforce obedience. If their lordships, or any of them, thought the mode, which he was about to propose, inexpedient, they were bound to suggest some other mode of attaining the object; and if what they suggested should appear to be a better mode, he declared that he for one would be ready to adopt it. His own opinion was, that it was in the power of the two houses to direct the great seal to be put to the commission, and in their power only. The great seal was the high instrument, by which the king's fiat could be irrevocably given; it was the mouth of royal authority; the organ by which the sovereign spoke his will. Such was its efficacy, and its undoubted authority, that, even if the lord chancellor should put the great seal, by caprice, to any commission, it could not be afterwards questioned; though in reality a misdemeanor, yet it would make letters patent of such validity, that the judges themselves

could not dispute their force. If an act of parliament was passed by authority of a commission issued under the great seal, and indorsed with a Le roi le veut, it was valid: it must be received as a part of the statute law of the land, and could not be controverted.

Lord Camden begged leave to remind the house, that they must resort either to the fiction, which had been treated with so much ridicule and contempt, or they must resort to something else. He was aware of the observation, that the mode proposed had been the practice of barbarous times. Undoubtedly the precedent was to be looked for in the reign of Henry the sixth; but the house would be pleased to recollect, that it was those barbarous ancestors, who made the constitution. It was to them, that we owed the common law of the land, which had been handed down from age to age, invariably from their time to the present period. It was upon them that lord Coke had founded himself, in every part of his works. The present race, therefore, would betray great ingratitude, if they forgot their obligations to the reign of Henry the sixth; a reign, in which as sound lawyers, as able statesmen, and as honest magistrates, lived, as in any subsequent period of our history. They were not, perhaps, so well read in Latin and in Greek,

CHAP. X. 1789.

or so much familiarized with the refinements of modern times, as our present lawyers; but it was not therefore to be supposed, that they did not possess as sound understandings, were not gifted with as much good sense, and had not as clear a conception of the constitution, its principles, and those of the law, as both then stood, as any lawyers at any period. There never was a time of greater tranquillity and peace, than the first twenty years of Henry the sixth. The lord chancellor of that day surrendered the great seal into the hands of the infant king, and it was afterwards, by the duke of Gloucester* and other great men, committed to the custody of the master of the rolls, who put it to several commissions, and, among others, to one for assembling parliament. The king, being then only nine months old, was as incapable of ordering the commission for calling the first parliament, which met in his reign, as his majesty was at present; and therefore in that respect the two cases were alike.

He thought it fair, he said, to apprise their lordships, that at a subsequent opportunity, when the bill, appointing a regent, and enacting the limitations and restrictions, which the house had already agreed to, and had com-

* The duke of Gloucester was uncle to the king.

municated to his royal highness, should have gone through all its forms in the two houses, it would be necessary to affix the great seal to another commission for giving the royal assent to such bill.

In farther confirmation, that the proposed expedient for opening parliament was constitutional, and conformable to practice, he adverted to a precedent, which had occurred in 1739, in the reign of George the second, when lord Hardwicke was lord chancellor. He well knew that noble lord, and a judge of more prudence and caution, or of more firmness, had never existed. Lord Hardwicke put the great seal to two separate commissions, one for opening a session of parliament, and the other for passing a bill, in the king's name, when the king was ill, and his life thought to be in danger. This circumstance was an argument strongly in favor of the doctrine he had maintained. He concluded with moving, "That it is expedient and necessary that letters patent should pass under the great seal of Great Britain, of the same tenor and form, as when his majesty himself authorizes parliament to be opened by commission."

A debate ensued, in which the duke of York desired, that his name and that of the prince of Wales, and the duke of Cumberland desired,

CHAP. X. 1789.

that his name and that of the duke of Gloucester, might be omitted in the commission, lest by the insertion of their names, they should be considered as approving the measure. Their requests were of course complied with; and the motion passed without a division.

This resolution was communicated, at a conference, to the house of commons, on the 2d of February; and on the same day, Mr. Pitt, in moving for the concurrence of that house, used nearly the same arguments as had been advanced by lord Camden. He began by observing, that it had been decided by the two houses of parliament, that no right to exercise the royal authority existed in any person during his majesty's incapacity, and that no one could exercise that authority, but by the appointment of the two houses. It was then to be asked, whether in providing for the deficiency of the third branch of the legislature, they were to act in their own names, or in that of the king? It appeared to him, he said, far better, that the two houses should not take upon themselves, in their own name, to do a legislative act, but that they should ratify their act by the name of the king, who was still upon the throne, and whose political capacity was still entire. The two houses were bound to act up to the necessity of the case, and to do

no more. They would remove the present difficulty by acceding to the resolution, sent from the house of lords; and they would adopt a form in their proceedings, which could not be disputed by the judges. It was fortunate for this country, that it had a constitution so framed, that it was nearly impossible any circumstance should occur, which would destroy its government. In case of the throne being vacant, the two houses of parliament had power to act by themselves, and in their own name: the vacancy of the throne caused the whole power to return to the people; by them again to be delegated through the two remaining branches of the legislature, who were the legal organs, by which the sentiments of the people might be collected. At the revolution, the parliament acted up to the true principles of the constitution; they acted on their own authority, in their own name, the throne being vacant. The right, which at present devolved to the two houses of parliament, was a different right: they were to provide for the suspension of the executive power, while the throne was not vacant. Acting then upon the same principles, which governed their ancestors at the revolution, but confining themselves to the necessity of the case, though they must now act without the personal attendance of his majesty,

CHAP. X. 1789.

yet they were not to act without his name, because he was still upon the throne. In great emergencies, it was wise and prudent, as far as possible, to abide by the forms of law and of the constitution; and, in the present case, the two houses were, in his opinion, fully empowered to direct the use of the great seal, for the purpose of giving the effect of law to their resolutions and opinions, and as the most eligible means, under present circumstances, of restoring the executive government.

In the infancy or infirmity of the sovereign, the will of the king had always, in form of law, been made the instrument of sanctioning the acts of the executive power, by whomsoever advised or directed. In this manner, by a commission under the great seal, had parliaments in such cases been called together in former times, as appeared by the precedents; and their acts were ratified by the royal authority, although the king was incapable of exercising any judgment, discretion, or will of his own.

The statute of the 13th of Charles the second, and several other statutes, had been quoted, as forbidding the two houses from exercising this power; but those laws, he said, could not be understood to mean any more than that, when there was a king of full age

and in good health, the lords and commons could do no legislative act of themselves; and they could not possibly mean, that the two houses should not act at all, when there was no king to act with them: They were, therefore, totally inapplicable to the present situation of the throne, occupied by a monarch laboring under a temporary incapacity. As well might the statutes in question have been urged against what was done at the revolution, as opposed to the proceedings now under deliberation. 1789.

The mode proposed had also been objected to, on the ground, that any act done in the king's name, without his knowledge, was a coarse fiction, a mere legal forgery, not to be endured. If it were really so, what was the regent to do? Was he to act in his own name, or in that of the king? In his own name he could not act, without first dethroning the king; and in the king's name he could not act, without recourse to this reprobated fiction. If gentlemen, who argued thus, knew their own principles, they would forbear urging them, as, in truth, they proved the impossibility of appointing any regent.—But the fiction, which had been treated with so much disrespect, and twisted and distorted into so many shapes of absurdity, was, in fact, sanctioned by the practice of the constitution, and the forms of

CHAP. X. 1789.

law. It was that fiction, which governed the proceedings of the courts of justice, which secured the dearest rights of Englishmen. It resulted from the nature of hereditary monarchy; from that principle, which supposed the same power to pass instantly in succession from one person to another, and that the political capacity of the king is always entire; that principle, which preserved sacred and inviolable the person on the throne, and protected him in the imbecility of infancy, and the decrepitude of age. The twelve judges have, in fact, given their sanction to this fiction, and declared his majesty's political character to be still entire, by carrying on the business of Westminster Hall, in the name of the king, during his present indisposition. Certain forms of law were evidence of the will of the king; and, wherever they appeared, could not be averred against. Of this nature was affixing the great seal; and if the lord chancellor were then to put the great seal to any act which had passed the two houses, it could not be contradicted; its legality could not be disputed; it must be received by the courts of justice, and proceeded on as law. But the personal incapacity of the king being known, and that he was disabled from giving any command, the lord chancellor would incur such danger to himself,

by an action of that sort, as would, undoubtedly, deter any man in his senses from committing it. The highest authority in the nation was requisite for such an act; and that was the great council of the nation assembled in parliament. The motion passed without a division.

In consequence of the above resolution of the two houses, the lord chancellor affixed the great seal to a commission for opening parliament, and the commissioners, on the 3d of February, addressed the houses in the following words, "In pursuance of the authority given to us by his majesty's commission under the great seal, which has now been read, among other things, to declare the causes of your present meeting; we have only to call your attention to the melancholy circumstance of his majesty's illness, in consequence of which it becomes necessary to provide for the care of his majesty's royal person, and for the administration of the royal authority, during the continuance of this calamity, in such manner, as the exigency of the case appears to require."

While these proceedings were taking place in parliament, the king's disorder gradually subsided, and the public had the comfort of daily receiving more favorable accounts of their beloved sovereign, in the bulletins signed

CHAP X. 1789.

by the physicians. A great variety of opinions, however, were at this time entertained upon the interesting subject of his majesty's recovery. There were those who even now thought, or affected to think, that the malady would continue throughout his life, or that he would fall into a state of incurable fatuity. Many, among whom were some of his medical attendants, believed his recovery to be still at a considerable distance; and others feared, that if the mental infirmity should soon be removed, which appeared to them not improbable, it would be some time before he could engage in the momentous duties of his station, without the hazard of a relapse. Some few were so sanguine as to flatter themselves, that no regency would be necessary; and Mr. Pitt himself was inclined to indulge that expectation. His own disposition naturally led him to hope the best, on all occasions; and he placed great reliance upon the judgment of Dr. Willis, with whom he had frequent communications, and who, having constantly grown more and more confident in those sentiments, which he had expressed in both his examinations, was now decidedly of opinion, that after a short period no part of his majesty's mental disorder would remain, and that he might safely resume the exercise of his royal func-

tions. As the fever abated, the use of reason returned in a proportional degree, which he regarded as a most encouraging symptom, and as clearly indicating that the complaint would not be permanent. Mr. Pitt, however, after minute inquiry and impartial reflection, was convinced, that his majesty's progress in amendment, though considerable, was not at present sufficient to justify ministers in stopping the measures for the appointment of a regent. Upon a point of that delicate and important nature, he was sensible, that the greatest caution was on every account requisite, particularly from the danger which must attend a premature application to his majesty, upon those various matters of national business, which were depending, after so long a suspension of the royal authority; and he was aware, that the bill, although introduced, might be abandoned in any of its stages, in either house, if such a step should be warranted by the degree of improvement in his majesty's health.

With these impressions upon his mind, he presented the regency bill to the house of commons, on the 5th of February. Conformably to the resolutions, on which it was founded, this bill authorized the prince of Wales to exercise all the royal prerogatives, and to perform

CHAP. X. 1789.

every act of government, during the king's illness, in the name and on the behalf of his majesty, in the same manner as his majesty could have done; subject to the three restrictions which have been mentioned: it assigned the care of the king's person to the queen, adding a council of advice for the assistance of her majesty; and it contained provisions for the resumption of the royal authority in the person of his majesty, in case of his recovery.

The bill was read a second time on the 6th, after a few observations from Mr. Burke, to which no reply was made. But it was four days in passing through the committee; almost every clause being warmly debated, upon the same grounds as when the resolutions were discussed.

The only new topics introduced were, the nomination of the queen's council, and the resumption of the royal authority by the king.

Mr. Pitt proposed, that the queen's council should consist of the four principal officers of the king's household, the lord steward, the lord chamberlain, the master of the horse, and the groom of the stole, all for the time being, and of the present archbishops of Canterbury and York, lord Thurlow, and lord Kenyon.

Separate motions for the appointment of these eight persons passed unanimously; after which lord North contended, that to them ought to be added those younger branches of the royal family, who were of age. This was urged, probably with a view of embarrassing Mr. Pitt: but being convinced that the proposition ought not to be acceded to, he resisted it upon the following grounds; that the queen would at all times have it in her power to apply to the members of the royal family for advice, if she chose it, although they were not of the council; that it would be improper unnecessarily to place the sons and brothers of the king in responsible situations, for their conduct in which they might be called to the bar of the house of commons; and that as it was universally admitted to be unfit, that the prince of Wales, as being next in succession, should have any concern in the care of the king's person, the same principle should be extended to the rest of the royal family. The motion for the duke of York to be one of the queen's council, was negatived by a majority of 177 to 130; for prince William, by a majority of 176 to 128; and for the duke of Gloucester, by a majority of 178 to 129. The motions relative to prince Edward and the duke of Cumberland, were negatived without any division.

CHAP. X. 1789.

The following was the mode, by which Mr. Pitt proposed, that the king should resume his authority: Whenever it should appear to her majesty and five of her council, that his majesty was restored to such a state of health as to be capable of exercising the royal authority, her majesty and her counsellors were to notify the same, by a written instrument signed by them all, to the lord president of the council, or, in his absence, to the secretary of state, who was immediately to communicate this information to the regent, send a copy of it to the lord mayor of London, publish it in the London Gazette, and lay it before the privy council, who were to be summoned for that purpose: after the entry of this instrument in the books of the council, the king might, by an instrument under his sign manual, require the lord president, or secretary of state, to summon a council to meet in his majesty's presence, consisting of not less than nine members named by the king, by the advice of six of whom the king might issue a proclamation, signed by himself and countersigned by the six privy counsellors, declaring his royal pleasure to resume the exercise of the royal authority; after which, the powers of the regent were to cease, and those of the king to recommence.

This plan was objected to, on the ground, that it enabled the king to resume the government without the consent of parliament; and Mr. Sheridan moved as an amendment, that the instrument, notifying his majesty's recovery, should be submitted to the two houses of parliament, previously to its being sent to the lord mayor, and inserted in the gazette. This motion was negatived by 181 to 115.

There were several other divisions in the committee, in all of which Mr. Pitt prevailed by similar majorities. Upon the third reading, a clause was introduced, limiting the restriction relative to the creation of peers, to three years; and the bill passed the house of commons on the 13th.

In the mean time the improvement in his majesty's health continued to advance without any interruption, and of course Mr. Pitt became more sanguine in his hope, that the measure, which had produced so much discussion, would in the end prove to be unnecessary. But he still thought it right to suffer the proceedings to go on; and the bill, being carried to the house of lords on the 18th, caused a general idea, that the regency would unquestionably take place. It was openly declared, that arrangements were made for a

CHAP. X. 1789.

new administration* under the prince regent, and persons were publicly mentioned, who were to fill the inferior departments; a new lord lieutenant† was prepared to set out for Ireland; a successor to the vacant bishoprick of St. Asaph‡ was announced, and received the congratulations of his friends; offices and situations which had become vacant during the king's illness, were promised; and it was fully expected, that within a very short period all these plans and engagements would be carried into execution. A sudden termination, however, was put to the intended regency, and to all the hopes and designs founded upon it.

On the 19th, after the bill had been read a second time in the house of lords, and most of its clauses had passed the committee, the lord chancellor, as had been previously determined at a cabinet council, but not made public, declared from the woolsack, that it was with the utmost pleasure he felt it in his power to inform the house, that since the physicians had pronounced his majesty to be in a state of con-

* The duke of Portland was to have been first lord of the treasury, and Mr. Fox secretary of state.

† Earl Spencer.

‡ Dr. Wilson, bishop of Bristol. This bishoprick was afterwards given, upon the recovery of the king, to Dr. Halifax, bishop of Gloucester.

valescence*, the accounts of his progressive amendment had daily increased; and the recent intelligence from Kew was so favorable, that he conceived every noble lord would agree with him in acknowledging, that under present circumstances, which afforded ground to hope that the necessity for the bill might be entirely done away, it would be indecent to go on with the proceedings in which they were engaged. Every one of their lordships, he was persuaded, would entertain the same sentiment on this subject; and, amidst the general joy, which the happy and reasonable expectation of his majesty's speedy return must occasion, he had no doubt that the house would consider it absolutely necessary to wait a few days for a full ascertainment of the nature of the progress towards a perfect and complete recovery, in his majesty's health, before they went farther with the bill appointing a regency. Congratulating their lordships and the country, therefore, on the favorable

* On the 12th of February, the bulletin declared the king to be in a progressive state of amendment; and, on the 17th, it declared that his majesty had continued in a state of amendment for some time, and then was in a state of convalescence. Though these bulletins conveyed the idea of considerable and progressive amendment, it was not generally inferred from them, that his majesty would be able to attend to business soon enough, to prevent the necessity of a short regency.

CHAP. X. 1789.

prospect of that event, to which the wishes and prayers of all his majesty's subjects were directed, he would humbly submit to their lordships, the propriety of the committee being adjourned to the 24th. This unexpected intelligence was received by the house, with the highest satisfaction; and, after short speeches from lord Stormont, and the duke of York, the adjournment took place. On the 23d, the king wrote his first letter to Mr. Pitt, desiring to see him the next morning at Kew*: It was short, but his majesty mentioned, with great feeling and kindness, "the support and anxiety shewn by the nation at large, during his long illness;" and Mr. Pitt's "constant attachment to his interest, and that of the public." From which it appears, that his majesty had already been made acquainted with the steps taken, in consequence of his indisposition.

On the 24th, the lord chancellor informed the house of lords, that he had been admitted to several interviews with his majesty: he had been in his presence at one time, for an hour and a quarter, and that day for a full hour;

* The physicians were extremely desirous of postponing the first interview between the king and Mr. Pitt, as long as they could, lest his majesty should be disposed to talk, more than at present might be safe and proper, upon public business, and upon subjects connected with his illness.

during both which times, he had found the posture of his majesty's mind to be clear and distinct; so much so, that he appeared perfectly capable of conversing on any subject. Under these circumstances, he thought it right to propose an adjournment to the Monday following, to which no objection was made; and, on that day, a farther adjournment took place to the Thursday, in the same week, when the lord chancellor stated to the house, that his majesty found his health so fully established, that he hoped, on the following Tuesday, to communicate to the parliament such other business, as was necessary to be laid before them, for their consideration and dispatch. The house adjourned to that day.

The house of commons received, from Mr. Pitt, the same information relative to the state of his majesty's health, and the intended communication of public business; and similar adjournments took place without any discussion. The caution of ministers, in thus deferring the exercise of the royal functions, was very generally commended.

The bulletins* signed by the physicians, and

* On the 25th, the bulletin pronounced the king to be free from complaint; and, on the 27th, after again declaring, that he continued free from complaint, it added, "by his majesty's command, the physicians' report is to be discontinued from this day."

CHAP. X. 1789.

the assurances from the lord chancellor and Mr. Pitt, were considered as a sufficient testimony of the king's recovery. Another examination of the physicians, by the houses of parliament, was barely mentioned, but not urged as necessary by a single member. A formal inquiry into the fact of his majesty's restoration to health, which was universally acknowledged, would have been highly indelicate and improper; and no one could now question the king's right, immediately to enter upon the government of his realms, in the same manner as if there had been no suspension of the royal authority.

Conformably to the notice which had been given, a commission under the great seal was read to the two houses, on the 10th of March, authorizing the commissioners, who had been appointed by former letters patent to open the parliament, to declare certain farther causes for holding the same; after which, the lord chancellor, in the name of the commissioners, acquainted the two houses, that his majesty being, by the blessing of Providence, recovered from the indisposition with which he had been afflicted, had commanded them to convey to parliament his warmest acknowledgments for the additional proofs, which they had given of their affectionate attachment to his person, and

of their zealous concern for the honor and interests of his crown, and the security and good government of his dominions; and that his majesty did not doubt, but the interruption, which had necessarily been occasioned to public business, would afford them an additional incitement to apply themselves, with as little delay as possible, to the different objects of national concern, which required their attention. 1789.

That they were likewise ordered by his majesty to acquaint parliament, that since the close of the last session, he had concluded a treaty of defensive alliance with the king of Prussia, copies of which would be laid before the two houses; that his majesty's endeavors had been employed, during the last summer, in conjunction with his allies, to prevent, as much as possible, the extension of hostilities in the north, and to manifest his desire of effecting a general pacification; that no opportunity would be neglected on his part, to promote that salutary object; and that he had in the mean time the satisfaction of receiving from all foreign courts, continued assurance of their friendly disposition towards this country.

That they were commanded to inform the house of commons, that the estimates of the

CHAP. X. 1789.

current year would be forthwith laid before them; and that his majesty was persuaded of their readiness to make the necessary provisions for the several branches of the public service.

That they had it particularly in charge from his majesty, to assure the two houses, that they could not so effectually meet the most earnest wish of his majesty's heart, as by persevering in their uniform exertions for the public welfare; and by improving every occasion to promote the prosperity of his faithful people, from whom his majesty had received such repeated and affecting marks of invariable zeal, loyalty, and attachment, and whose happiness he must ever consider as inseparable from his own.

An address of congratulation and thanks to his majesty was moved in the house of commons by lord Gower*, and seconded by Mr. Yorke†, which, after a few observations from Mr. Fox, passed without a dissentient voice.

The same unanimity prevailed upon a motion for a message to the queen, congratulating her majesty upon the happy recovery of the king, an event in which she was so peculiarly interested.

The king, actuated by that principle of re-

* Now marquis of Stafford. † Now earl of Hardwicke.

ligion, which formed a distinguished part of his character, had, from the earliest moment of his recovery, determined, that his first appearance in public should be to return thanks in the cathedral of his metropolis, for the mercy, which it had pleased God to vouchsafe to him; and on the 8th of April, Mr. Pitt, by his majesty's command, informed the house of commons, that his majesty had appointed Thursday, the 23d of that month, to be observed as a day of public thanksgiving to Almighty God, for the signal interposition of his good providence, in removing from his majesty the late illness, with which he had been afflicted; and that for the greater solemnity of the day, it was his majesty's intention to go to St. Paul's church; adding, that his majesty had given the necessary orders for providing convenient places in the cathedral, for the members of that house. A resolution of thanks to the king for his communication, upon the motion of Mr. Pitt, passed unanimously. The same message was delivered to the house of lords, by the lord chamberlain, and a similar resolution passed.

On the day appointed for this act of pious gratitude, the king, accompanied by the queen and royal family, and attended by the two houses of parliament, the great officers of state,

CHAP. X. 1789.

the judges and the foreign ambassadors, and surrounded by unexampled crowds of people, who viewed the procession in reverential silence, went to St. Paul's. His majesty was received at the west end of the church, by the bishop of London, the dean, and the residentiaries. A martial band, stationed near the door, played appropriate music, till his majesty reached the area under the great dome, when it ceased; and instantly the organ, accompanied by the voices of above five thousand children of the city charity schools, who were placed upon circular seats, gradually rising between the pillars on both sides, began the hundredth psalm. The simple melody, joined to the spectacle, evidently affected the king; and, as he was walking between the bishop of London and myself*, he turned to me, and said, with great emotion, "I now feel that I have been ill." He then stopped, but soon recovering himself, proceeded to the choir. The humility with which his majesty knelt down, upon first entering his seat, and the fervor with which he seemed to pour forth his thanksgivings and prayers, made a lasting impression on the minds of those, who were near enough to observe him. Indeed, throughout the service, which was adapted to the solemn

* The author of these memoirs was then dean of St. Paul's.

occasion, and in the whole of this interesting and awful scene, eminently calculated to awaken pious and grateful feelings, nothing was so striking, as the earnest and uninterrupted devotion of his majesty, manifestly proceeding from a heart truly sensible of a recent and gracious interposition of Divine Providence.

The seriousness and regularity with which the religious ceremony of the day was observed in every town and in every village, evinced, that his majesty's subjects fully participated in these sentiments of gratitude to heaven. In the evening the illuminations were general and brilliant, beyond all example. Not only every street, and every alley of the metropolis, but the meanest cottage in every part of the kingdom, bore witness to the feelings which universally prevailed. Vain would be the attempt to convey an adequate idea of the joy, affection, and loyalty, which all ranks and descriptions of persons were eager to display, upon the happy event of their sovereign's recovery; and, amidst the general exultation for this most signal blessing, the steady, consistent, and constitutional conduct of Mr. Pitt, during the late very peculiar and embarrassing state of public affairs, was remembered with a warm and just acknowledgement of its merit

CHAP. X. 1789.

and importance. It would, perhaps, be impossible to fix upon a period in the history of this or of any other country, when a king was more sincerely and universally beloved by his subjects; or when a minister stood higher in the confidence of his sovereign, and of the public, than at the present moment. The wish, expressed by Mr. Pitt, upon a former occasion, seemed to be realized, and principally by the wisdom of his own measures—he now saw "A patriot king presiding over an united people."

The subject of the regency gave rise to the second parliamentary contest of extraordinary difficulty, and involving essential principles of our constitution, in which Mr. Pitt was engaged; and I shall offer a few observations upon what passed at this interesting crisis.

In 1784, Mr. Pitt had defended the prerogative of the crown against a powerful party, aided by a majority of the house of commons, who virtually denied the right of the king to appoint his own ministers; and now he stood forward in support of the privileges of parliament, against the same set of men, strengthened by the confident expectation of their immediately succeeding to the administration of the country, who asserted the absolute right

of the heir apparent to the throne, to exercise all the functions of royalty, during the illness of the king, independently of the authority of the remaining branches of the legislature. On the former occasion, he acted on the defensive, having chiefly to repel the attacks of his enemies; on the present, he was called upon to form and bring forward a plan, for carrying on the government of the country, under unprecedented and most delicate circumstances. Both these arduous, but very different, situations he maintained with the same ability, firmness, and manly spirit; and we have seen that, in both, he was equally successful in defeating the unconstitutional attempts of his formidable and violent opponents.

Though Mr. Pitt denied an inherent right in the prince of Wales to assume and exercise the whole powers of the crown, upon the declared incapacity of the king, yet he was decidedly of opinion, that his royal highness, as heir apparent of full age, had a claim of priority, above every other subject, to be invested with such part of the royal prerogatives, as the two houses of parliament should judge requisite, for administering the government during that short period, beyond which it was hoped that a regency would not be necessary. The former he did not admit, because it would

CHAP. X. 1789.

have been incompatible with the rights of parliament, and might have been dangerous to the welfare and interests of the king, who was still upon the throne, and who might soon be capable of resuming the exercise of his royal authority. The latter he allowed, because it was the best mode of supplying the temporary defect in an essential branch of the legislature; and because the appointment of any other person as regent, might have been injurious to the future rights of the heir apparent, and, in the mean time, productive of much cabal, confusion, and mischief in the kingdom. Indeed, the claim of his royal highness, upon the ground of propriety, discretion, and expediency, appeared to him as clear on the one side, as the question of strict right did on the other. Mr. Fox, who at first contended in the most positive and unqualified terms, for the right of the prince, did not think it prudent to advise his royal highness to assert that right; and he afterwards eagerly deprecated all discussion upon the subject, in which he was joined by his political friends. The same wish on the part of the prince himself, was also declared by the duke of York, in the house of lords. Had Mr. Fox felt any confidence in his own doctrine, he would not have been anxious to prevent an inquiry into

its truth; and had the right been really considered as well founded, there was no reason why it should not have been formally asserted by the prince. As, however, this right had been once maintained by so distinguished a person, and not afterwards disclaimed either by him or by the prince, ministers deemed it indispensably necessary, that the question should undergo a full investigation, and be decided in both houses, as a point which might affect future ages.

Mr. Pitt not only unequivocally acknowledged from the first, that no claim could come into competition with that of the prince of Wales, but he also admitted, that if his majesty's illness should prove of long continuance, his royal highness ought to be invested by parliament, with all the powers and prerogatives belonging to the sovereign of these kingdoms. This distinction between a short and a long regency, was surely founded on just principles of reason and sound policy; and a regard to it was strongly demanded by the peculiarity of the well-known circumstances, under which the present regency was to be established.

A regent is, in truth, no part of the British constitution, and those who argued for the right of the prince of Wales, could not sup-

CHAP. X. 1789.

port their opinion by statute or common law: when called upon, they could produce no authentic document explaining or conferring the powers and duties of a regent. No such person or character as regent, was mentioned in any law then in force*; and of course no oath was prescribed to a regent, corresponding to the king's coronation oath; and had the proposed address, inviting the prince of Wales to undertake the regency, passed the two houses of parliament, he must have entered upon the government of the country, without the security required from the king, that he would "govern the people of this kingdom of England, and the dominions thereunto belonging, according to the statutes in parliament agreed on, and the laws and customs of the same†." The want of a regent's oath is of itself a sufficient proof, that a regent is not

* Several particular regency acts had passed in different reigns, which of course expired, when the circumstances, for which they were to provide, ceased. The earliest regency act upon record, was in the reign of Henry the eighth, which only empowered the king to appoint a regency. There is no instance in our history, of a minor king succeeding to the crown, where a regency had been previously fixed by parliament.

† Coronation oath. Mr. Pitt's bill prescribed an oath to be taken by the regent, and also directed, that he should "take such oaths, and make such declaration, and do all such acts, as are required by the laws, to qualify persons to hold offices and places of trust."

a constituent branch or member of our government; and that no person can, under any circumstances, during the life of a king, claim that office by hereditary right. Nemo est hæres viventis, is a known and acknowledged maxim of our laws, applying with equal force to every description of right or property, and to every rank and condition of men, without any exception or distinction. The hereditary right to the crown and to the exercise of the royal functions, like every other right of inheritance, attaches only upon the death of the person in possession. The necessity of delegating a certain portion of the royal authority, on account of the incapacity of the king, had frequently arisen, and it could not but be foreseen, that similar instances might hereafter occur; but our ancestors prescribed no general and binding rules for cases of that kind. They thought it far better, that the two remaining branches of the legislature should make a particular provision for each case, adapted to its own exigency. They were probably aware, that great difficulties and dangers might arise, from giving the full powers of sovereignty to the next heir, while there was a king upon the throne, incapable from infancy or infirmity, of exercising the royal functions; and that the specific restrictions

CHAP. X. 1789.

which might be requisite, must depend upon existing circumstances, and could not be previously determined. The rule of succession to the throne, and the prerogatives of the king, are accurately and authoritatively defined: But who shall be regent, and what shall be his powers, are points left to be settled by parliament, whenever it shall become necessary that some one should act in the room of the lawful possessor of the crown.

The practice has been strictly conformable to these principles. The history of this country furnishes not a single instance of a regent, who succeeded to the office by hereditary right, or who, in his own person, without the control of a council, enjoyed all the prerogatives of the king. On the other hand, the most undeniable proof was produced, in the late debates, of parliament having appointed regents and protectors, during the incapacity of the kings, with limited powers; and one instance was quoted, of parliament having expressly rejected a claim similar to that which was now urged. These authorities being, as matters of fact, incontrovertible, an attempt was made to invalidate their force as applicable to the present case, by stigmatizing the times from which they were derived, as dark, barbarous, and turbulent. To those times, however, we

owe all the fundamental principles of our boasted constitution, and the best and most valuable of the wise and salutary laws, under which we have the happiness of living. Were this ground of rejecting precedents to be admitted, there would be an end of all appeal to the authority of former days.—But the character of the period in question was fully vindicated by that venerable statesman and constitutional lawyer, lord Camden, who had been closely connected in politics with the late lord Chatham, and whose able assistance and cordial co-operation, throughout the present delicate and arduous business, were highly useful and honorable to Mr. Pitt.

If we refer to later times, we find that at the revolution, the two houses overlooked the line of hereditary succession, passed over the claim of the prince of Wales, which, however, it must be owned, was considered as doubtful on the point of legitimacy, and also, in part, the right of the princess of Orange, and made the prince and princess of Orange king and queen; directing, that the royal authority should be exercised by William only*, and that the prin-

* This was so distinctly done, that when king William went over to Ireland, an act of parliament was necessary to enable the queen to exercise royal authority during his absence. It should, however, be observed, that the extent of this deviation from the line of succession, was caused by

CHAP. X. 1789.

cess Anne should not succeed to the throne, till after his death, as well as that of her elder sister. It is plain that, in this instance, the two houses of parliament, disregarding the strict line of descent, even in the two next protestant heirs, exercised their discretion, and supplied the third estate, which had become vacant by the abdication of James the second, in the manner which they judged most conducive to the welfare of the kingdom, and best calculated to preserve the spirit of the constitution. Their conduct evidently shewed, what they conceived to be the power and duty of the two remaining estates of the realm; and that conduct has been the theme of the warmest encomiums, as well as the source of the greatest blessings to this country. The same principles, as was repeatedly observed in the debates, were to be applied to the present situation of affairs, as far as the difference of circumstances would allow. If the two houses had the power to make a lasting provision for the absolute deficiency of the third estate in 1688, when the king, by his own act, had forfeited his claim to the allegiance of his subjects,

the absolute refusal of the prince of Orange to accept the crown upon any other terms; and the distressing difficulties under which the nation labored at that time, rendered this arrangement indispensably necessary for the safety of the laws and religion of the kingdom.

and could never be restored to his authority, they had unquestionably the power to make a temporary provision for the suspension of the exercise of the royal functions in 1788, when the king might at any moment be again in a situation to re-assume the reins of government; and in the mean time it was of the utmost importance, that his rights should be carefully preserved. If, when the throne was declared vacant, no claim of right to the succession was urged by or for any individual, no one surely could claim a right to succeed to the royal authority, while the throne was in reality full, and the political capacity of his majesty in complete existence. It is a fundamental maxim of our constitution, confirmed by the undeviating practice of former times, that whenever there is a deficiency, whether permanent or temporary, and however caused, in the kingly authority, it is the right of the two houses of parliament, the representatives and legal organs of speech of all the estates of the people, if there be no previous provision, to supply such deficiency, according to their wisdom and discretion; and this right, strictly considered, could not be affected by the accidental circumstance of the prince of Wales being of age, although that circumstance prevented any doubt concerning the person, to

CHAP. X. 1789.

whom the two houses were bound, both from the preference due to the heir apparent, and from a regard to the public interest, to delegate the necessary powers.

The case of the minority of the succeeding king was provided for in both the last two reigns. By the regency bill of George the second, the princess dowager of Wales, although a foreigner, was appointed regent, in the event of the crown descending to any child of the late prince of Wales, when under eighteen years of age; and the duke of Cumberland, the king's son, and next presumptive heir of full age, was passed over as regent, and only nominated a member of the council of regency*. By a bill, in the early part of the last reign, the king was, under similar circumstances, empowered to nominate a regent by his will, though his brother, the duke of York, was the next in succession, and of full age. These, indeed, were acts of complete legislatures; but, in the debates which they occasioned, no objection or complaint was made; nor was any idea started, that during the incapacity of the king, the next heir, of full age, had a right to the regency; and

* In 1751. It is remarkable, that at this time both lord Chatham and lord Holland, the fathers of Mr. Pitt and Mr. Fox, were in office and supported the bill.

these acts directly contradicted such a principle.

It did not follow, because the regent was not to be invested with all the regal prerogatives, that the king possessed more power, than was required for the purposes of government. One degree of power may be necessary for the permanent office of king, and another for the temporary office of regent. In all the debates upon this part of the subject, Mr. Pitt expressly said, that he proposed the restrictions, under the expectation that his majesty's illness would continue only for a short time; and he consented, that the most material of them all, that relating to the creation of peers, should be limited to three years, lest, if it were indefinite as to time, the house of peers should not permit its removal. The restrictions were few in number; and whoever considers them impartially, and with reference to the circumstances under which the regency was to take place, must admit their reasonableness, and acknowledge, that, though they might have deprived the regent's ministers of the means of conferring favors upon their friends and adherents, they could not have interfered with the discharge of any of the essential duties of their situation, or have fettered them in any important plan or measure for carrying

CHAP. X. 1789.

on the government of the country, during a short period. If any great occasion had occurred within that limited time, for raising some distinguished person to a peerage, or for remunerating eminent services by a pension or office, recourse might have been had to parliament, who would, doubtless, have been ready, in such a case, to dispense with the restriction; and that very dispensation would have stamped a higher value upon the honor or reward. It should always be remembered, that, if no restriction had been imposed, the persons advanced to the peerage, would unquestionably have been men, who had long acted in habitual opposition to the king's government, and whose principles would have led them to oppose any administration, not composed of their own party. The promises respecting peerages were understood to have been carried to a great extent; and the number of new peers might have proved a serious inconvenience and embarrassment during the remainder of the king's reign, if, after a short regency with unlimited power, his majesty had been restored to the exercise of his royal functions. It was obvious, that such an influence would have been scarcely less dangerous, than that aimed at by Mr. Fox's India bill; and therefore full credit was given to Mr. Pitt,

when he declared, that a regard to what he owed to his sovereign and to the country, was the sole motive which prompted him to propose the temporary limitations upon the authority of the regent. He boldly and emphatically observed, that as the system of his majesty's government was known to be at variance with the avowed principles and recorded opinions of those men who were destined to be the ministers of the regent, every principle of public policy, of respect for the king, and of regard for the safety of the nation, not only sanctioned, but imperatively demanded, the imposition of those restrictions which he had suggested.

When the king's illness rendered him incapable of attending to business, Mr. Pitt, as has been noticed, went several times to Windsor, for the purpose of learning from the physicians, the exact state of his majesty's health. We have seen in Mr. Pitt's letter to the prince of Wales, that, before he left Windsor upon those occasions, he thought it a proper mark of attention to inquire, whether his royal highness, who was then resident in the castle, had any commands for him, and that the answer was always in the negative. The prince, thus declining all personal communication with Mr. Pitt, plainly proved his

CHAP. X. 1789.

royal highness's sentiments towards his father's ministers*, before any step was taken by them respecting a regency; and accordingly, as soon as it was considered as settled, that the prince of Wales was to be appointed regent, it was openly announced in parliament, with a view which could not be mistaken, that Mr. Pitt and his colleagues would be immediately removed from their offices. Notwithstanding this declaration, however, Mr. Pitt retained a constant and decided majority in both houses; and the people in their addresses to him, and by other methods, expressed unqualified approbation of the measures he was pursuing. Every principle which he advanced, relative to the present unprecedented situation of affairs, was sanctioned by parliament; and the whole plan for a regency, as proposed by him, under circumstances little calculated to ensure success, was, without a single exception or addition, adopted by the two remaining branches of the legislature. All the arts of political intrigue, and all the influence and talents of the intended administration, were exerted in vain. Upon the eve, as it was supposed,

* From the moment Mr. Pitt was placed at the head of the treasury, to the present time, he had the mortification of knowing, that the influence of the prince of Wales was exerted against his administration.

of his being called upon to resign his situation, he received the strongest marks of attachment and confidence both from parliament and from the public; and small, indeed, was the number of those who deserted the falling minister—unequivocal testimonies to his merit, and incontestable proofs of the high estimation in which he was held. At the same time, the certainty of being dismissed from office, made, in no respect, the slightest alteration in his conduct. He displayed his accustomed disinterestedness and ardent zeal for the public service, with a respectful attention where it was due, accompanied by a manly spirit, regardless of offence, while he was conscious that he was discharging his duty to his king and to his country. He did not propose a council of regency, which had been usual on former similar occasions, and was now manifestly expected by his opponents, because he thought such a provision would tend to weaken the hands of the executive government; he left to the regent the unrestrained power of choosing his ministers, with full liberty of pursuing any line of foreign or domestic politics, as being more agreeable to the principles of our constitution; and he used all possible dispatch in carrying the necessary measures

CHAP. X. 1789.

through parliament, although he was aware what would be the immediate consequence to himself and his friends.

It is not a little remarkable, that all the delays in the appointment of a regent, originated from the party opposed to Mr. Pitt. It was Mr. Pitt's intention, that parliament should act upon the authority of the report of the privy council, which was presented to both houses, for that purpose; but he consented to an examination of the physicians, by a committee of the house of commons, in compliance with the opinion and wishes of Mr. Fox and Mr. Vyner. Mr. Fox's subsequent assertion of the prince of Wales's right, made it necessary that the two houses should declare their sentiments upon that important point, as a preliminary step to every other proceeding; which discussion occupied a fortnight. The second examination of the physicians was then suggested by Mr. Loveden, and supported by Mr. Fox and Mr. Burke, by such arguments, mixed with such insinuations, that Mr. Pitt was induced to yield to this proposal also, that parliament and the public might not be deceived as to the real situation of the king; and this examination was so protracted by the vexatious and perplexing questions of the oppo-

sition members of the committee, that it made a difference of ten days, in Mr. Pitt's submitting the restrictions to the house. Much time was afterwards wasted by the persevering and fruitless resistance both to the resolutions and to the bill introduced by Mr. Pitt. The members of opposition, probably, hoped to recommend themselves to the prince, by the sentiments they maintained, and the conduct they pursued; and, relying upon the opinion of Dr. Warren, that his majesty's recovery, for some time at least, was highly improbable*, they considered the appointment of a regency as certain and inevitable, and a short postponement of it as a matter of no real importance. Had not these successive delays been

* The implicit confidence of Mr. Fox and his party, in Dr. Warren's judgment, which was unquestionably the cause of their disappointment, was the more surprising, as he had himself acknowledged in his first examination, that in cases similar to that of his majesty, it had been his constant practice to call in the assistance of those professional gentlemen, who had directed their attention to this particular malady, and generally to leave the patients under their care; and Dr. Willis, whose experience and skill were well known, had both publicly and privately declared his conviction, that his majesty's illness would not be of long continuance. The opinions of Dr. Warren and Dr. Willis, respecting the king's recovery, were as opposite to each other, as the sentiments of Mr. Fox and Mr. Pitt, relative to the rights of the prince of Wales, and the medical enmity as great as the political.

CHAP. X. 1789.

interposed by Mr. Fox and his friends, the regency must have taken place; and what might have been the consequence of that event, either with respect to the recovery of the king, or to the interests of the public, must be left to conjecture.

END OF VOL. II.

London: Printed by Luke Hansard & Sons, near Lincoln's-Inn Fields.